

August 27, 2007

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by Joseph Ohol, Chairman, at 8:09 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag.

Members present: Joseph Ohol, Chairman  
Terri Kroening, John Reardon, Donald Robinson, Peter Smith  
Also present: Clifford Burch, Building Inspector  
Donald Lane, Deputy Bldg. Insp.  
Gary Billingsley, Attorney

Chairman announced the Agenda for this evening.

Secretary read Notice of Public Hearing as it appeared in the Lockport Union Sun and Journal to consider the following applications:

**(07-11-07) MARY ANN KRAEMER**, 4490 Plank Road, Lockport, N.Y. 14094, for an Area Variance to permit applicant to construct a 17' by 29 ½' swimming pool and 12' by 20' deck closer to the road than the house located upon said premises, whereas the Zoning Ordinance does not permit construction of such a structure closer to the road than the rear line of the foundation of the house located upon said premises.

**(07-16-07) JOSEPH and KATHLEEN PARADOWSKI**, 4515 Baer Road, Ransomville, N.Y. 14131, for an Area Variance to permit applicants to construct a 20' by 50' accessory building upon said premises which already contains an accessory building, whereas the Zoning Ordinance does not permit construction of more than one accessory building upon said premises.

**(08-15-07) GIRL SCOUTS OF NIAGARA COUNTY**, 5000 Cambria Road, Lockport, N.Y. 14094, for a Special Permit to construct a clubhouse upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria.

A motion was made by Mrs. Kroening and seconded by Mr. Reardon to approve minutes of meeting of July 23, 2007 as presented. Unanimously approved, motion carried.

#### **TABLED SPECIAL PERMIT RENEWALS:**

**2004-14 (8-04-04B) SBA Cingular Wireless** – Special Permit for communication tower on Barone property at 5105 Lockport Road – tabled since January 2007

**2002-02 (2-14-02B) Cingular Wireless** – Special Permit for co-location of personal wireless telecommunication service facility equipment on existing tower at 4160 Upper Mountain Road – tabled from March 2007

Counsel submitted a copy of Telecopy Transmittal Sheet faxed to AT & T Cingular dated July 24, 2007 requesting something in writing that they are requesting renewal of the aforementioned permits for maximum time permitted, five (5) years. The \$500.00 renewal fee for each of the above has been received per building inspectors. Acknowledgement of the fax stated "REQUESTED 7-25-07".

A motion was made by Mr. Reardon and seconded by Mr. Robinson to **renew** Special Permit to SBA Cingular Wireless for a communication tower on property at 5105 Lockport Road owned by Mr. Barone, for a period of five (5) years retroactive to December 2006. Unanimously approved, motion carried.

A motion was made by Mr. Reardon and seconded by Mr. Robinson to **renew** Special Permit to Cingular Wireless for co-location of personal wireless telecommunication service facility equipment on existing tower at 4160 Upper Mountain Road, Sanborn, N.Y. 14132, for a period of five (5) years retroactive to March 2007. Unanimously approved, motion carried.

### **CURRENT RENEWALS:**

**1995-07**      **Jeffery E. Ventry**, 5155 Townline Road, Sanborn, N.Y. 14132  
Special Permit for Heating and Air Conditioning business

Mr. Ventry was not present at this meeting and had sent a letter dated August 16, 2007 to the Zoning Board, read by the Chairman. He stated he and his family would be on vacation and unable to attend tonight's meeting and wishes to have the Special Permit renewed.

Per Building Inspector, there have been no problems with this Special Permit.

A motion was made by Mr. Smith and seconded by Mrs. Kroening to approve request of Mr. Ventry for **renewal** of Special Permit to operate heating and refrigeration business at 5155 Townline Road for a period of three (3) years. Unanimously approved, motion carried.

**2001-10 (7-11-01)**      **Crown Communications, Inc.**, 4017 Washington Road, McMurray, Pennsylvania 15317  
Special Permit for Telecommunications tower on property owned by the Town Cambria

There was no one present on behalf of this Special Permit and no communication has been received as of this date.

A motion was made by Mr. Reardon and seconded by Mrs. Kroening to table action on renewal of Special Permit of Crown Communications, Inc. for tower at 4160 Upper Mountain Road for a period of one (1) month. Unanimously approved, motion carried.

### **PUBLIC HEARINGS:**

**(07-11-07) MARY ANN KRAEMER** was present at this meeting and has submitted the following:  
Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of two survey maps.

Public Hearing open:

Mrs. Kraemer would like to construct a pool and deck closer to the road than the house. She showed some pictures to the board.

Mr. Lane said the former owner of this property had a pool in front of the house and Mrs. Kraemer wishes to place her pool in the same location.

There were no comments from members of the public.

Public Hearing closed.

Board members:

Mr. Reardon asked how high off of the ground will this pool be?

Mrs. Kraemer said it will be approximately four feet above the ground.

A motion was made by Mr. Robinson and seconded by Mr. Smith to declare **negative declaration under SEQR** on application of Mrs. Kraemer. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **approve** application of Mary Ann Kraemer for an Area Variance to permit applicant to construct a 17' by 29 ½' swimming pool and 12' by 20' deck closer to the road than the house located upon said premises. Unanimously approved, motion carried.

**(07-16-07) JOSEPH and KATHLEEN PARADOWSKI**

The following have been submitted: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, four sketches of building lay-out and copy of portion of deed showing buildings on their property.

Public Hearing open:

Mrs. Paradowski said they have a barn at present and would like a 20' by 50' barn for storage of equipment, lawnmower, tractor, etc. They own approximately ten (10) acres.

There were no comments from members of the public.

Public Hearing closed.

Building Inspector said the proposed new building will meet all setback requirements.

Mr. Reardon asked how tall will the building be?

Mrs. Paradowski said the side walls will be twelve (12) feet high.

Chairman questioned the need for a variance because five (5) acres is considered a farm.

A motion was made by Mr. Robinson and seconded by Mr. Smith to declare **negative declaration under SEQR** on application of Mr. and Mrs. Paradowski. Unanimously approved, motion carried.

A motion was made by Mr. Reardon and seconded by Mrs. Kroening to **approve** application of Joseph and Kathleen Paradowski for an Area Variance to permit applicants to construct a 20' by 50' accessory building upon said premises which already contains an accessory building. Unanimously approved, motion carried.

**(8-15-07) GIRL SCOUTS OF NIAGARA COUNTY**  
Property location – Camp Windy Meadows

The following have been submitted: Application for Special Permit, Short Environmental Assessment Form, Agricultural Data Statement, copy of survey map and general project description.

Hank Balling, Arbour Construction Management, Inc. and John Haas, Architect, were present on behalf of the Girl Scouts of Niagara County.

Public Hearing open:

Mr. Balling said the Girl Scouts of Niagara County own over 40 acres at this site. The lodge (clubhouse) consisting of 2,000 square feet, has been demolished and a new facility will be erected, approximately 3,384 square feet, and will be on the same site. The building is used more in the Summer months but is used through out the year. He said the Girl Scouts got funding through State grant and some from donations.

Mr. Haas said building was taken down by a controlled burning. The exterior of the new building will be wood with asphalt shingles with some stone work. There will be a large assembly area and a large dormitory area. The girls stay overnight at times. There will be a sprinkler system in the building, shower area and glazed block.

There were no comments from members of the public.

Public Hearing closed.

Chairman asked if they have permission from the New York State Dormitory Authority?

The answer was they are receiving some funding through Dormitory Authority through bonding. There will be no mortgage on the property.

Mrs. Kroening said per SEQR form, the previous building was 2,000 square feet and overlaying with a new 3,384 square feet building on existing lodge site.

The existing septic tank is under size and a new 6,000 gallon tank will be installed.

Counsel said Wendel Duchscherer Surveying did the survey for applicant, but Wendel Duchscherer Eng. was not involved in representing the applicant on the proposed project.

A motion was made by Mr. Robinson and seconded by Mr. Smith to declare **negative declaration under SEQR** on application of the Girl Scouts of Niagara County. Unanimously approved, motion carried.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **approve** application for Special Permit to Girl Scouts of Niagara County (Camp Windy Meadows) to construct a clubhouse upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria and to include any recommendations by the Town Engineer. Unanimously approved, motion carried.

End of Public Hearings.

New Business:

Daniel D'Angelo was present at this meeting. He said he owns approximately 80 acres on the west side of Blackman Road, which he purchased about 8 years ago. He said he and his family camp out on this property occasionally. He would like permission to build a cottage type home now for his in-laws to live in while they are in the area in the Summer and said they go to Florida in the Winter months. Eventually, he said he wants to build a permanent home for his family on this property. The cottage home would meet all of the current codes. He would like permission to build a second home on this property in the future. The cottage home would not be sold off after the in-laws no longer need it. Perhaps his children would use it.

Mr. D'Angelo said the property was purchased from the Lein estate and it was land-locked. Mr. Lein lived in California and he asked John Kroening, adjoining property owner, if he could purchase some land for an access road to Blackman Road and did purchase 66 feet. He said he would like to build the home for in-laws within the next year.

Counsel said he believes Mr. D'Angelo was given approval to build one (1) house on this property and would need a variance for the second home. Mr. D'Angelo said he had permission to build one residence without building a new road. No further construction without a dedicated road.

Mr. D'Angelo was advised he could apply for a variance.

Counsel said the board and the public would want to know where the location of the future home would be. The new application for variance should coincide with previously approved application.

**(5-10-07) Robert & Kristi Moore**

A letter was received from Hopkins, Garas & Sorgi, PLLC, Attorneys at Law, regarding property at 3792 Ridge Road owned by Robert & Kristi Moore. This is in regard to their request for a farm pond and request for a written code interpretation of Use Variance and Area Variance. Discussion followed on this issue.

REPORTS:

Chairman -

Information received from Niagara County Center for Environmental Development on Niagara County Brownfield program.

Memorandum from Niagara County Department of Economic Development

Re: New York State Department of State Training

Training session: Wednesday, October 3, 2007 at Albion High School

Training Sessions:

Lewiston Town Hall – September 27<sup>th</sup> - 6:00 – 8:00 p.m.

October 25<sup>th</sup> - 6:00 – 8:00 p.m.

Attorney – no report

Building Inspector – no report

Attorney – no report

Board members – no report

A motion was made by Mr. Robinson and seconded by Mr. Reardon to adjourn at 9:25 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: \_\_\_\_\_