

April 23, 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 8:00 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag.

Members present: Joseph Ohol, Chairman
Theresa Kroening, John Reardon, Donald Robinson, Peter Smith
Also present: Norman Allen, alternate
Robert Blackman, Councilman
Clifford Burch, Building Inspector
Donald Lane, Deputy Building Inspector
Gary Billingsley, Attorney

There is a correction to the minutes of meeting of March 26, 2007, Page 5, beginning with "Counsel quoted". Some of the wording is to clarify legal ruling.

A motion was made by Mr. Reardon and seconded by Mr. Robinson to approve minutes of meeting of March 26, 2007 as corrected. Unanimously approved, motion carried.

TABLED SPECIAL PERMIT RENEWALS from March 2007:

2004-14 (8-04-04B) SBA Cingular Wireless – Special Permit for communications tower on Barone property at **5105** Lockport Road - tabled since January 2007. There has been no response.

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. There has been no response.

There has been very little communication with the aforementioned and difficult to keep track of ownership of the towers.

A motion was made by Mr. Reardon and seconded by Mrs. Kroening to **table** action on the renewal of tower at **5105 Lockport Road**, and renewal of co-location on tower at **4160 Upper Mountain Road** for one month; and directed Attorney to research and see if he can locate the owners of the towers so that contact can be made with them. Unanimously approved, motion carried.

CURRENT SPECIAL PERMIT and USE VARIANCE RENEWALS:

Mr. and Mrs. Donald Hofert and Duane, 4960 Ridge Road, Lockport 14094
Special Permit to operate flea market

Secretary read letter from the above dated April 20, 2007 which stated the flea market is closed and they do not wish to renew the Special Permit.

A motion was made by Mr. Robinson and seconded by Mr. Smith to allow the Special Permit to expire on its own terms and per applicants' information in letter dated April 20th. Unanimously approved motion carried.

2000-03 (04-03-00B) Mr. and Mrs. James Wertman, 4749 Marjorie Drive, Lockport 14094
Special Permit to operate a business, namely, home accessories

Mr. and Mrs. Wertman were present at this meeting and said they wish to renew the Special Permit.

Building Inspector said he had received no complaints on this business.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **renew** Special Permit to Mr. and Mrs. Wertman to operate a home accessories business in their home for a period of three (3) years. Unanimously approved, motion carried.

2003-04B Richard Hahn, 3779 Lower Mountain Road, Sanborn, N.Y. 14132
Special Permit to display and sell landscaping and garden supplies outdoors on premises at 4501 Ridge Road.

Mr. Hahn was present at this meeting and said he would like to display articles again this year and would like to renew the Special Permit.

Building Inspector said he had received no complaints on this Special Permit.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **renew** Special Permit to Richard Hahn for a period of three (3) years to display articles outside at 4501 Ridge Road, Lockport. Unanimously approved, motion carried.

Chairman reported receiving a phone call from Mr. Hahn's neighbor, Robert Keller, pertaining to the sandblasting business in regard to the walls that were to be erected on the building.

Mr. Hahn said he had a problem with the sides. Since the weather has changed, he is starting to put the sides up and waiting for lights and then can finish the job.

2000-04 (04-03-00A) Mr. and Mrs. John Mulcahy, 3645 Upper Mountain Road, Sanborn 14132
Use Variance to operate a gift shop

Mrs. Mulcahy was present at this meeting to request renewal of Use Variance for the above.

Building Inspector said he had received no complaints on this business.

A motion was made by Mr. Smith and seconded by Mr. Reardon to **renew** Use Variance of Mr. and Mrs. Mulcahy to operate a gift shop in their home for a period of three (3) more years. Unanimously approved, motion carried.

2006-03 (03-01-06) Mr. and Mrs. Joseph Paradowski, 4515 Baer Road, Ransomville 14131
Special Permit to operate a private kennel

Mrs. Paradowski was present at this meeting to request renewal of the aforementioned.

Building Inspector said he had received no complaints on this Special Permit.

A motion was made by Mr. Robinson and seconded by Mr. Reardon to **renew** Special Permit to Mr. and Mrs. Paradowski to operate a private dog kennel at their residence for a period of three (3) years retroactive to March 2007. Unanimously approved, motion carried.

REPORTS:

CHAIRMAN:

1. Wendel Duchscherer / New York Planning Federation is holding a video presentation on May 8, 2007 in the Village of Angola. Per Mr. Burch and Mr. Allen, this is a very good program. Reported that there may be another showing at a closer location coming up.
2. Town Board, Planning Board and Zoning Board meeting on Thursday, April 26, 2007 at 7:30 P.M. pertaining to the Niagara County Community College Dormitory housing proposal.
3. Letter received from Niagara County Agriculture and Farmland Protection Board dated March 27, 2007.
4. Bicentennial Logo painting on barns. There was an article in the Union Sun and Journal today stating “Twelve barn owners are being recruited to help Niagara County mark its bicentennial year. The committee is aiming to identify one wooden barn in each of Niagara’s 12 townships for the campaign.” Cambria is one of the 12 towns. This is not permitted in the Town of Cambria per Zoning Ordinance.

ATTORNEY: Hi-lighted some of the procedures from information received from March 1st Seminar with the board:

1. When decisions are made at meetings, vote decisions of the board members are to be filed with the Town Clerk within five (5) days of the meeting. (Can be a one page form.)
2. “Findings of Fact” may be prepared by attorney and presented to the board at the following month’s meeting.
3. Area Variances pertaining to one, two and three-family homes for setback for lot lines do not need to go through the SEQR process.
4. Use Variances, each of the four (4) standards under “H”, on application must be proven by applicant.
5. Area Variances, the five (5) standards under “H”, on the application must be considered by the Zoning Board, but applicant need not prove that he meets all five (5) standards to be entitled to an Area Variance.

6. No board action may be taken in work sessions or during executive sessions. Action must be taken at the regular meetings.
7. A majority of the full board (3 members) must concur in a vote, and failure of the board to have three (3) members concur in a vote amounts to non-action by the board. A second vote by the board may be taken within 62 days of the public hearing.

Re: College proposal:

1. Application for student housing – require Special Permit from Zoning Board – permitted use for educational facility in AR zone.
2. Planning Board to review Site Plan application for private dormitories – business use in AR zone.
Planning Board to review and act on Subdivision application to divide property from college property for private entity.
3. Planning Board or Zoning Board to act as lead Agent – to be determined

BUILDING INSPECTORS: Monthly report given out

BOARD MEMBERS:

Mr. Reardon – hours of training – State requires a minimum of four hours, Town Board requires a minimum of five (5) hours. Discussion on this as well as carry-over of hours from one year to succeeding year.

Mr. Robinson – clean up on Luff property on North Ridge Road. He said he has received calls from neighbors of debris flying around.

Mr. Ohol said the May regular board meeting needs to be changed because of the holiday.

A motion was made by Mr. Robinson and seconded by Mr. Reardon to change regular May Zoning Board meeting to May 21st at 8:00 P.M. Unanimously approved, motion carried.

Mr. Blackman inquired about tree cutting on Thrall Road, top of hill.

Mr. Burch said awhile ago someone was cutting tree tops on that same property and now cutting down the whole trees.

Counsel reported this resident is to appear in court in May on this violation.

A motion was made by Mr. Reardon and seconded by Mrs. Kroening to adjourn at 9:05 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____

