

April 19, 2010

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by John Reardon, Chairman at 8:30 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag and then announced the Agenda for this evening.

Members present: John Reardon, Chairman
Michael Bechtel, Theresa Kroening, Donald Robinson, Peter Smith
Also present: Michael Sieczkowski, new alternate board member
Robert Blackman, Councilman and Liaison
Clifford Burch, Building Inspector
Donald Lane, Deputy Building Inspector
Gary Billingsley, Attorney
Robert Klavoon, Wendel-Duchscherer Eng.

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

2010-03 (03-17-10) CHRISTOPHER MATYAS, 7166 Pendale Circle, North Tonawanda, N.Y. 14120 for a Special Permit to conduct light manufacturing relating to computers and computer related items upon premises commonly known as 4935 Lockport Road in the Town of Cambria pursuant to the Special Permit Ordinance of the Town of Cambria. Said premises are Zoned B-2.

(04-01-10) RICH TREEN and YVONNE TREEN, 4334 Burch Road, Ransomville, N.Y. 14131 for an Area Variance to permit applicants to construct an accessory building containing dimensions of approximately 30 feet by 50 feet upon said premises, whereas the Zoning Ordinance does not permit construction of such a structure which exceeds the square footage of the first floor of the residence upon said premises, which said first floor contains 1,124 square feet.

2010-04 (04-05-10) LEE KROENING, 5788 Pascoe Park, Sanborn, N.Y. 14132, for an Area Variance to permit applicant to construct a residence upon premises on the east side of Cambria Road approximately 200 feet from the south edge of the escarpment shelf and approximately 300 feet from the road right-of-way, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of a residence farther from the road right-of-way than 125 feet.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to approve minutes of meeting of March 22, 2010 as presented. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWAL (tabled from February 2010)

2004-02 (02-02-04) Mr. Thomas Erwin, Pyramid Network Services, **Omnipoint Communications (T-Mobile USA)**, 6519 Towpath Road, East Syracuse, N.Y. 13057
Special Permit for co-location of personal wireless telecommunication service facility equipment upon an existing telecommunication tower upon premises at 4621 Ridge Road, Lockport 14094.

A second letter was sent notifying of renewal of Special Permit and renewal fee of \$500.00 due at this time. There was no response to this letter. There was no one present on behalf of the aforementioned.

Counsel will attempt to contact Mr. Erwin.

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

A motion was made by Mr. Smith and seconded by Mr. Robinson to table renewal of the aforementioned for one (1) month. Unanimously approved, motion carried

SPECIAL PERMIT and VARIANCE (Current Renewals)

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

Mrs. Wertman was present at this meeting and requested renewal of the Special Permit. She said there is no change in the business.

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

A motion was made by Mr. Smith and seconded by Mrs. Kroening to **renew** Special Permit to Mr. and Mrs. James Wertman for a period of five (5) years. Unanimously approved, motion carried.

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

Secretary read letter dated April 16, 2010 from Mrs. Mulcahy stating they would not be able to attend tonight's meeting because of personal reasons and they would like to continue the variance for the business.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **renew** Use Variance to John and Peggy Mulcahy to operate a gift shop for a period of (5) years. Unanimously approved, motion carried.

2003-04B Richard Hahn, 4501 Ridge Road, Lockport 14094
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 renew the Special Permit and requested no changes.

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

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **renew** Special Permit to Richard Hahn for a period of five (5) years. Unanimously approved, motion carried.

2009-02 (3-12-09) Cambria Asphalt Products, Inc., 5204 Lockport Junction Road, Lockport 14094
Special Permit to operate a Hot Mix Asphalt plant on premises at 5204 Lockport Junction
Road, Lockport 14094; office at 10830 Blair Road, Medina, N.Y. 14103

Mr. Paul Pass and Thomas Biamonte were present on behalf of Cambria Asphalt Products, Inc..
Mr. Pass said everything is going good with their business.

Building Inspector said there have been no complaints on this business.
Board members had no concerns on this business.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **renew** Special Permit to
Cambria Asphalt Products, Inc. for a period of five (**5**) years. Unanimously approved, motion carried.

2009-04 (04-02-09A) Eric Wisor, owner of the property at 2958 Ridge Road, Ransomville 14131, and
William Pearce, 4566 Ridge Road, Lockport 14094, applicant

Mr. Pearce was present at this meeting and said he wishes to renew the Special Permit for motor
vehicle repair in an existing building at 2958 Ridge Road, Ransomville. He is not doing business yet. No
changes are requested.

Building Inspector said he had received no complaints.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **renew** Special Permit to
Eric Wisor/William Pearce for a period of one (**1**) year. Unanimously approved, motion carried.

End of renewals.

PUBLIC HEARINGS

2010-03 (3-17-10) CHRISTOPHER MATYAS, was present at this meeting and has submitted the
following: Application for Special Permit for light manufacturing business at 4935
Lockport Road, Lockport 14094, Short Environmental Assessment Form, Agricultural
Data Statement and copy of survey map.

Mr. Matyas said he would like a Special Permit to operate a light manufacturing business, making
component parts for computers and computer related items. He said he purchased the property from John
Wasik. The building was formerly used for operating a business by Buffalo Machine Co. which has
moved into the city of Lockport. Mr. Matyas said raw materials are brought in to make the parts for the
aforementioned and then shipped out. He said at present there are five (5) employees and may increase
in the future.

Public Hearing open: there were no concerns expressed by members of the public.
Public Hearing closed.

Concerns of board members and Building Inspectors:

Mrs. Kroening asked applicant what the hours of operation would be and Mr. Matyas said 7:00 A.M. to 5:00 P.M. Monday through Friday and 7:00 A.M. to noon on Saturday.

Mr. Smith asked applicant what they do with the wastes from the aluminum, plastic and stainless steel?

Mr. Matyas said they save the wastes and are put in a bin inside of the building. Nothing is stored outside.

Mr. Matyas said there were no doors to the office and installed new doors and new carpeting. There were no major changes made.

Counsel said the Niagara County Planning Board did not make a recommendation. They had some concerns and had concerns with previous occupant of the building, environmental regarding SEQR.

Mr. Matyas said Buffalo Machine Co. did heavy manufacturing and fabricating work. They left a lot of scrap material and things were left outside from the office. He said they are working on removing the garbage and cleaning out the contents of the building. John Wasik is working on the removal.

Counsel recommended the board look at certain aspects before making a decision. This board should be aware of what the actual business will be.

Mr. Matyas said it will be light assembly, no production of computers, automated. They will not be recycling computer parts.

The Planning Board referred decision be made by the Zoning Board on this request for Special Permit to Mr. Matyas . They granted Site Plan Approval subject to Zoning Board giving approval for the Special Permit.

Niagara County Planning Board made no recommendations. They had some concerns on the environmental aspects.

It was asked what did previous occupant of the building do, what was their business?

Mr. Matyas said they did grinding as there was a lot of dust in the building, had punch presses, did fabricating and basic machine work in the building. They moved to Lockport and doing the same type of business there.

Building Inspector said Buffalo Machine Co. did not take proper care of oil products, dumped things outside.

Mr. Matyas said that there was a lot of dust inside the building and had to clean and then paint. There were marks on the doors, had to replace them; damaged dry wall. There were environmental issues.

John Wasik removed the old desks, furniture and scrap metal and hauled it away.

Deputy Building Inspector said Mr. Matyas has cleaned up the office section and machine shop was cleaned up. Used oil was sent out and disposed of.

Board members had no further concerns.

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

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **approve** application of Christopher Matyas for a Special Permit to conduct light manufacturing relating to computers and computer related items upon premises commonly known as 4935 Lockport Road in the Town of Cambria pursuant to Special Permit Ordinance of the Town of Cambria, for a period of one (1) year, with condition there is to be no recycling of computer or computer parts. Said premises are Zoned B-2. Unanimously approved, motion carried.

(04-01-10) RICH and YVONNE TREEN were present at this meeting and have submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey map.

Mr. Treen said they would like to construct a pole barn, 30' by 50', for storage of personal items, namely, vehicles, tractor and implements, personal storage only.

Public Hearing open: there were no concerns expressed by members of the public.
Public Hearing closed.

Concerns of board members:

Mr. Bechtel asked if there would be any business conducted from this building and Mr. Treen said there would be no business conducted, just storage of their own personal items. He said the first floor of their home is 1124 square feet.

Chairman asked if they would consider building it smaller and then would not need a variance? How tall will structure be? Mr. Treen said about 20 feet high.

Mr. Smith asked how high will the ceiling be?

Mr. Treen said it will be 10 feet high on the first floor, second floor would be a gable roof.

Board members had no further concerns.

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

A motion was made by Mr. Bechtel and seconded by Mrs. Kroening to **approve** application for Area Variance to Rich and Yvonne Treen to construct an accessory building containing dimension of 30 feet by 50 feet upon said premises. Unanimously approved, motion carried.

Building Inspector mentioned to Mr. Treen that they need to get a building permit.

(4-05-10) LEE KROENING, applicant, and Shelagh Thomas, representing Berkshire Homes, were present at this meeting.

The following have been submitted: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey map.

Mr. Kroening has purchased a lot on the east side of Cambria Road and wishes to build a four (4) bedroom home on the Escarpment approximately 300 feet from the road right-of-way and about 200 feet from the south edge of the escarpment shelf, back of the house will be facing the escarpment. He said the lot is on a triangle.

Public Hearing open: there were no comments from members of the public.
Public Hearing closed.

Concerns of board members, Building Inspectors and Counsel:

Counsel said the Planning Board, pursuant to Zoning Ordinance regulations, is required to look at the Site Plan Review in the Escarpment District.

Site Plan Approval was granted by the Planning Board on condition that suitable buffer with trees be maintained by Mr. Kroening for privacy of the back yards of the nearby homes to the south; and a turn-around be placed near the home for accessibility for trucks, such as fire equipment.

Counsel asked applicant why he wants the house approximately 300 feet back from the road rather than 125 feet as permitted in the ordinance; and Mr. Kroening said it is for the view of Toronto and the lake.

Mr. Kroening said he has also purchased the first lot to the south. He said he has been cleaning up the brush and plans to put in pine trees.

The home will be approximately 5,250 square feet.

Mr. Phillips said to Mr. Kroening, your home will be about 300 feet from the road right-of-way. There are three homes to the south.

Mr. Kroening said he will not obstruct their view.

Ms. Thomas said there is about four (4) feet of bedrock on this property. There is about 300 feet to the nearest neighbor's lot line. Mr. Kroening said he will plant some trees for privacy which should be a suitable barrier.

Building Inspector had nothing further to add to this application.

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

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **approve** Area Variance to permit applicant to construct a residence upon premises on the east side of Cambria Road approximately 200 feet from the south edge of the Escarpment shelf and approximately 300 feet from the road right-of-way, and trees shall be planted as a barrier to protect privacy of homes to the south. Applicant is to comply with Site Plan Review of the Planning Board. Unanimously approved, motion carried.

End of Public Hearings.

Chairman introduced new Zoning Board alternate member, Michael Sieczkowski, and welcomed him.

New Business:

(04-08-10A) and (04-08-10B) **Community Bible Church**, 4168 Church Road, Lockport 14094
Property location for new church, Upper Mountain Rd. “ “

Mr. Timothy Arlington and Mr. David Stuntz from Apex Consulting, Survey and Engineering Services P.C. were present on behalf of Community Bible Church.

Counsel said Mr. Arlington and Mr. Stuntz were present at the Planning Board meeting and gave a presentation of what is planned.

Mr. Robert Klavoon from Wendel-Duchscherer Eng. said it is required that Lead Agency status be designated.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to designate Zoning Board of Appeals for coordinated review on plans for Community Bible Church. Unanimously approved, motion carried.

Mr. Arlington and Mr. Stuntz said the parcel consists of 11.59 acres for the proposed new Community Bible Church. The Church will contain approximately 16,360 square feet and the proposed Community Building 25,980 square feet, on Upper Mountain Road east of Blackman Road. They are asking for 250 feet setback from the road right-of-way.

There will be parking for approximately 236 vehicles.

There are approximately 550 members in the church.

The following are matters of interest and concerns:

Requesting variance for one-half acre pond

Water from the parking lot will go to the pond

Two fire hydrants in the back

Forty-five (45) foot wide entrance – in and out access

Signage approaching the building – will be placed according to Highway Dept.

When exiting from the church, one line to go to the left and one line to go to the right

Traffic a problem because of the speed on Upper Mountain Road

The Community Building will be used for Church services until Church is ready

Water run-off will be to Bull Creek to the south. Will try to reduce amount of water.

Outlet control pressure pipe. Reduce amount of water coming off of the site,

Water will be contained. There will be approximately six (6) feet of water in the pond at all times.

All plans are in the Preliminary stage as of today.

Mr. Klavoon said Public Hearing on variances could be acted on by the Zoning Board in May.
Any action by the Town Planning Board would be in June

A motion was made by Mr. Bechtel and seconded by Mr. Robinson to adjourn at 9:30 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____