

August 24, 2009

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by John Reardon, Chairman, at 8:00 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag and announced the agenda for this evening.

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

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

(07-28-09) ROBERT MONDELLO, 4306 Saunders Settlement Road, Sanborn, N.Y. 14132, for an Area Variance to permit applicant to construct a 28 foot by 36 foot detached garage upon said premises 15 feet closer to the road than the front foundation of applicant's residence, whereas the Zoning Ordinance does not permit construction of a detached garage containing dimensions exceeding 720 square feet, nor closer to the road than the front foundation of a house.

(03-25-09) LOURETTA PARLETTE, 5748 Campbell Boulevard, Lockport, N.Y. 14094, for a private kennel to permit applicant to keep up to 4 dogs upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria.

(08-03-09) GARY BELL and JENNIFER YOUNG, 4379 Plank Road, Lockport, N.Y. 14094 for an Area Variance to permit applicants to construct a 30 foot by 40 foot addition to the rear of an existing accessory building, whereas the Zoning Ordinance does not permit construction of an accessory building that exceeds the first floor area of the principal building located on the same lot.

(08-06-09A) TIMOTHY and DAWN WINKELMANN, 3868 Upper Mountain Road, Sanborn 14132, for an Area Variance to permit applicants to construct a 40 foot by 40 foot pole barn upon said premises approximately 5 feet from the rear lot line, whereas the Zoning Ordinance does not permit construction of a structure that exceeds the first floor area of the principal building located on the same lot nor closer to a rear lot line than 15 feet.

(08-06-09B) THOMAS WRATE, 4933 Shawnee Road, Sanborn, N.Y. 14132, for an Area Variance to permit applicant to construct a 28 foot by 30 foot accessory building 12 feet from the north side lot line, whereas the Zoning Ordinance does not permit construction of an accessory building closer to a side lot line than 15 feet

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of July 27, 2009 as presented. Unanimously approved, motion carried.

There were no Special Permit renewals for this month..

PUBLIC HEARINGS:

(07-28-09) ROBERT MONDELLO was present at this meeting and has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, sketch of property with location of his house, proposed garage, 2 sheds and pool, copy of survey map and packet containing Parco Building Systems, Inc. Building Specifications, picture of proposed building, Overhang Detail, Cross Section Detail and Pole layout.

Mr. Mondello said the proposed detached garage will be 28 feet by 36 feet, 15 feet closer to the road than the front foundation of his residence and square footage, 1080, which exceeds the square footage permitted in the ordinance. Applicant said garage will be 45 feet from adjacent property line, 110 feet from Saunders Settlement Road and 50 feet from his house. Also, there is a large willow tree in the yard. Driveway will line up with turnaround. Building will be a Parco

Public Hearing open:

Richard Gailie, 4314 Saunders Settlement Road, Sanborn, 14132, said he has no objection to the erection of this proposed garage. Mr. Gailie said he talked with neighbor, Florence Danielewicz, 4286 Saunders Settlement Road, Sanborn, who said she had no objection to the proposed garage.

Public Hearing closed.

Concerns of board members:

It was asked how high will the walls be?
Applicant said 8 foot walls, standard size garage.

Mr. Smith asked what will the outside of the building be and Mr. Mondello said it will be rough cut hemlock.

Chairman asked about the willow tree in the yard?

Mr. Mondello said there is a large willow tree in the yard which would have to be removed if garage were to be placed in another area. It is about 8 feet in diameter.

Mrs. Kroening visited the site and said there is a very large willow tree in the yard and no other place for the garage.

Building Inspector said he will be able to use his existing driveway and is far back from the road.

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

A motion was made by Mrs. Kroening and seconded by Mr. Allen to **approve** Area Variance to permit applicant to construct a 28 foot by 36 foot detached garage upon said premises 15 feet closer to the road than the front foundation of applicant's residence and also garage will be 1080 square feet which is larger than permitted in the ordinance. Unanimously approved, motion carried.

Applicant was reminded that he needs to get a building permit prior to construction.

2009-03 (03-25- 09) LOURETTA PARLETTE was present at this meeting and has submitted the following: Application for Special Permit for a private dog kennel, Short Environmental Assessment form, Agricultural Data Statement, sketch of property and copy of survey map.

Miss Parlette said she and her daughter live on the same property and each has 2 dogs for a total of four (4). She said the yard is fenced in for the dogs and has a kennel for them. Per applicant, she has not received any complaints from the neighbors on the dogs. She said she would like to have a Special Permit to have the four dogs.

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

Concerns of board members:

Chairman asked if she plans to board dogs and Miss Parlette replied “no”, only her own dogs. She said dogs cannot run out, are fenced in. The kennel is west of her home close to the back door.

Mr. Allen asked Miss Parlette what she does with the dog waste?
Miss Parlette said it is picked up and put in the bushes.

Building Inspectors had no concerns on this application.

Applicant was informed of the waste management procedure as required by the Niagara County Health Department. She was advised to contact the N.C. Health Department for proper disposal of the waste, and she agreed.

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

Counsel informed the board that “the Niagara County Planning Board recommended approval with the condition all dogs be registered to the owner of the property”. The daughter is classified also as an owner.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **approve** application for Special Permit for a private kennel to permit applicant to keep up to four (4) dogs upon said premises and Miss Parlette is to contact the Niagara County Health Department on proper waste management disposal. Special Permit is in effect for initially one (1) year and at that time can be renewed for a longer period of time. Unanimously approved, motion carried.

(08-03-09) GARY BELL and JENNIFER YOUNG 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. Bell said they would like to build an addition on to existing accessory building, dimensions 30 feet by 40 feet. They wish to store motor home, trailer, truck and other personal items.

Public Hearing open:

Gary Berntsen, 5437 Leete Road, Lockport, said there is a motor home and a vehicle with advertising on, which appears there is a business being operated from this residence.

Public Hearing closed.

Concerns of board members:

Mr. Smith said there is a motor home, trailer and truck in the yard.

Chairman asked applicant what is in the existing frame garage and Mr. Bell said personal items only. There is no business being operated from this site.

Mrs. Kroening said there is not much room for all of these items on this property.

Mr. Bell said the truck is used for his business.

The new addition will not be as close to the south lot line as the existing building. It will butt up to the existing frame garage. He said he can't put the RV anywhere else. Size of building is primary issue, exceeds the square footage of the first floor of the home.

Building Inspector said new addition will not be closer to the lot line than the existing building which is 1200 square feet.

Mr. Allen asked about the existing easement to the Town of Cambria?

Mr. Bell said the easement is no longer in effect.

Mr. Lane said the easement was for the town to get back to clean the ditch.

Mr. Burch asked applicants if this building would be used for business purposes?

Mr. Bell said no business will be conducted from this building.

Chairman asked how tall will this addition be?

Mr. Bell said it will be 16 foot high in order to get the motor home inside.

Attorney had no concerns.

A motion was made by Mr. Smith and seconded by Mrs. Kroening to declare **negative declaration under SEQR** on application of Gary Bell and Jennifer Young. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **approve** application for Area Variance to permit applicants to construct a 30 foot by 40 foot addition to the rear of an existing accessory building and there is to be no business conducted on the property. Unanimously approved, motion carried.

They will need to obtain a building permit and Mr. Bell said they already have the permit.

(08-06-09A) TIMOTHY and DAWN WINKELMANN

Mr. Winkelmann was present at this meeting and has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and sketch of the house and proposed barn.

Mr. Winkelmann said the building will be a Parco building, 40' by 40'. He said it will be approximately 5 feet from the rear lot line and oversized, will be larger than the square footage of the first floor of his home. He has a long trailer he wishes to keep in this building.

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

Concerns of board members:

Mr. Robinson asked if there would be any business conducted from this building, and Mr. Winkelmann said "no business". He wants it for storage of his personal items. New building will have all white siding to match the house.

Mrs. Kroening said the property is extremely well kept up, aesthetically looks good.

Chairman asked about the driveway and Mr. Winkelmann said the approach to the barn will be a stone driveway.

Mr. Allen asked applicant about the septic system?

Mr. Winkelmann said, if in the future, need a new system, there would be room for it.

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

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **approve** Area Variance to permit applicants to construct a 40' by 40' pole barn upon said premises approximately five (5) feet from the rear lot line and will be an oversized building. Unanimously approved, motion carried.

(08-06-09B) THOMAS L. WRATE was present at this meeting and has submitted the following:

Application for Area Variance, Short Environmental Assessment Form, Agricultural Date Statement and copy of survey map.

Mr. Wrate said he is building an accessory building, dimensions 28' by 30', approximately 12 feet from the property line and ordinance requires 15 feet. The building will be for personal storage. His home is 1600 square feet, wood frame. Walls in new building will be 10 feet and 15 feet at the center, vinyl sided to match the house.

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

Concerns of board members:

Mr. Allen asked applicant if the building could be placed so as to meet the required setback?

Mr. Wrate said “no”, he could not move it because he has already started the construction. Side property line is the problem.

There were no further concerns on this application for variance.

Attorney had no concerns.

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

A motion was made by Mr. Smith and seconded by Mrs. Kroening to **approve** application for Area Variance to permit applicant to construct a 28' by 30' accessory building 12 feet from the north side lot line. Unanimously approved, motion carried.

REPORTS:

Chairman – Continuing education September 9th and 16th in the Albion Middle School Aud. on “Basics of NY State Environmental Quality Review (SEQR)”

Articles for the Fall Newsletter to be submitted to LuAnn Murawski by Friday, August 29th.

Town Supervisor – Recommendations for changes for the 2010 Budget to be submitted by Sept. 2nd.

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Attorney – Charles Haring Public Hearing was held on June 22, 2009 to permit Mr. Haring to construct storage buildings approximately 25 feet from the road right-of-way and per Zoning Ordinance, must be no closer than 80' from road right-of-way. The Niagara County Planning Board reviewed this application and recommended denial and listed eight reasons for their decision. Mr. Haring said he wished to revise his application. Action on this issue was tabled to allow applicant time to revise same and to resubmit plans to the town and also to the Niagara County Planning Board.

Mr. Haring has reworked the plan and modified same and would like to have a public hearing scheduled for the September meeting. The public hearing notice should contain the address of the location of the business, namely, 4487 Ridge Road, Lockport, N.Y. 14094 (Routes 104 and 93).

Building Inspector said one change should be made in the minutes of July 27, 2009 under Building Inspector report “Niagara County Public Works Facility – there is a building available in the **city** of Lockport and not ‘town’ of Lockport”.

A motion was made by Mr. Smith and seconded by Mrs. Kroening to reconsider the minutes of July 27th. Unanimously approved.

A motion was made by Mr. Robinson and seconded by Mr. Smith to change “town of Lockport” to **“city of Lockport”**. Minutes approved as corrected.

Mercy Flight open house September 28th.

A motion was made by Mr. Robinson and seconded by Mr. Smith to adjourn at 8:45 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____