

August 25, 2008

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. followed by the Pledge to the Flag. He then announced the agenda for tonight's meeting.

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

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of July 28, as presented. Unanimously approved, motion carried.

**TABLED SPECIAL PERMIT RENEWAL:**

**2003-07 (4-24-03) AT & T MOBILITY** (AT & T Wireless), 6100 Atlantic Boulevard, Norcross, Georgia 30071

Re: Special Permit for co-location of personal wireless telecommunication service facility equipment upon an existing telecommunication tower upon premises at 4621 Ridge Road.

There was no one present this evening on behalf of the above.

A letter was sent on July 15 notifying that it was time for renewal of the above with no response.

A second letter was sent on August 11 to the above with a copy to Phillips Lytle LLP, Attorneys, for AT & T.

Communications have been received from Morgan Graham of Phillips Lytle pertaining to the above dated:

Aug. 18, 2008 – fax received – had wrong property location

“ 19, “ - phone call to clarify address

“ 20, “ - fax – requesting renewal for five (5) years, on behalf of AT & T

“ 22, “ - phone call - confirming check was mailed

“ 26, “ - phone call to see if renewal was approved and requested copy of renewal from town attorney

Communications are on file.

Secretary read paragraph from letter of August 20<sup>th</sup> to Chairman requesting renewal for five (5) year period and that check for \$500.00 was enclosed.

A motion was made by Mr. Smith and seconded by Mrs. Kroening to **renew** Special Permit

of AT & T Mobility (AT & T Wireless) for co-location of personal wireless telecommunication service facility equipment upon an existing telecommunication tower upon premises at 4621 Ridge Road for a period of five (5) years retroactive to July 2008. Unanimously approved, motion carried.

REPORTS:

Chairman -

1. Windmills – the Town Board at their August meeting requested Planning Board make recommendations for regulations on windmills. There is a moratorium on installation of wind mills for one (1) year to allow time for Planning Board and Town Board to work on proposed regulations on same.
2. Planning and Zoning Board training dates:

Warsaw – United Church of Warsaw	-	Sept. 10, Oct. 7, Nov. 3
Sanborn - Niagara County Comm. College	-	Sept. 23, Oct. 23, Nov. 11
Springville – Concord Town Hall	-	Sept. 16, Oct. 15, Nov. 20
Albion – High School	-	Sept. 24
3. Chairman thanked Mrs. Kroening, Vice Chairwoman, for filling in as Chairperson at the July meeting.

Attorney - nothing this evening.

Building Inspectors –

1. Regular monthly report handed out.  
Mr. Lane said the dormitories are open at N.C.C.C. and about two-thirds (2/3) full and Willow Creek project has begun with the new homes.

Board members –

Mr. Robinson asked about the status of Twin Oaks on Ridge Road?  
Mr. Burch said someone called about a future 30 to 40 unit motel for this area. The caller said they have motels in other parts of the country and would like to construct one in this area.  
Mr. Burch told the caller about Twin Oaks but this would not be large enough for their need.

Other Business:

Chairman said he had received a phone call from Robert Keller, 3694 Lower Mountain Road, complaining about Richard Hahn's Sales and Service business located at 3779 Lower Mountain Road, which is north-east of Mr. Keller's home, regarding the noise and dust from sandblasting.

Per Mr. Keller, Mr. Hahn is not following the conditions in the Special Permit. He said he has been in contact with Mr. Burch and Mr. Lane pertaining to the dust and noise problems. He said there were several things Mr. Hahn said he was going to do. One thing is in regard to the curtains.

Mr. Burch said the steel work in front of the building has not been completed. Sometimes there is more noise than at other times.

Mr. Lane said he has stopped in front of Mr. Keller's house to observe. When curtains are closed, does keep the dust down but doesn't control the noise. Also said there are big trucks using Lower Mountain Road and they make a lot of noise.

Mr. Hahn had said previously when the wind blows from the northeast, the noise and dust from the sandblasting is worse than when the wind blows from the southwest and Mr. Hahn tries to work with that situation.

Board members suggested contacting the Niagara County Health Department regarding the noise and if that could be damaging to the ears.

Sometimes curtains are open and sometimes closed. When sandblasting, curtains should be closed.

Mr. Keller said he would like to be kept informed on this issue and also he would like to be notified when Mr. Hahn's Special Permit is due for renewal.

Next regular meeting will be on September 22nd at 8:00 P.M.

A motion was made by Mr. Robinson and seconded by Mr. Allen to adjourn at 8:30 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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