

December 21, 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 then announced the agenda for this evening.

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

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

(12-03-09) JOHN and MARGARET HANAVAN, 4289 Cambria-Wilson Road, Lockport, N.Y. 14094, for an Area Variance to permit applicants to construct a 26 feet by 38 feet accessory building approximately 43 feet closer to the road right-of-way than the front main wall of said residence, whereas the Zoning Ordinance does not permit construction of an accessory building closer to the road right-of-way than the rear main wall of the principal dwelling.

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of November 23, 2009 as presented. Unanimously approved, motion carried.

One correction noted in the minutes of November 30, 2009 under "Reports". Mr. Ellis told Mr. Reardon that a "letter was received" from Norman Allen regarding his resignation and it should be "a letter is requested" from Norman Allen regarding his resignation.

A motion was made by Mr. Robinson and seconded by Mr. Allen to approve minutes of meeting of November 30, 2009 as corrected. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWALS (Current)

2004-01 (12-10-03) Randall T. Biehl (Eveningside Vineyards), 4794 Lower Mountain Road, Lockport, N.Y. 14094
Special Permit to make wine and on-premises sales open to the public

Mr. Biehl was present at this meeting and said in the future, wine will be made, tasting and sales in the new building at 4788 Lower Mountain Road. For now, wine making, tasting and sales will be in existing building and when new building is completed and in use, the existing building at 4794 Lower Mountain Road will be returned to personal use.

A motion was made by Mrs. Kroening and seconded by Mr. Smith to **renew** Special Permit to Randall Biehl (Eveningside Vineyards) for wine making, tasting and on-premises sales to the public at 4794 Lower Mountain Road for a period of five (5) years. Unanimously approved, motion carried.

2005-13 (12-08-05) Jay Eisenhardt, 5120 Ridge Road, Lockport, N.Y. 14094,
Special Permit for private kennel

Virginia Eisenhardt was present at this meeting and said they would like to renew the Special Permit. She said they currently have two Great Danes and six Chihuahuas.

Building Inspector said he had no complaints on this Special Permit. Previously renewed for three years.

A motion was made by Mr. Robinson and seconded by Mr. Allen to **renew** Special Permit to Jay Eisenhardt for a private kennel for a period of five (5) years. Motion carried.

PUBLIC HEARINGS:

(10-29-09) IMMACULATE CONCEPTION CHURCH, 4671 Townline Road, Ransomville, N.Y. 14131, Area Variance to construct a detached garage on property at 4720 Plank Road, Lockport, N.Y. 14094

The Public Hearing was adjourned at the November 23rd meeting as there was no one present on behalf of this application.

Rev. Joseph Badding was present this evening and said he would like to build a garage 20' by 24' on this site next to existing house five (5) feet from the south side lot line and 50 feet from the road right-of-way. He said he had contacted the neighbor on this proposal and there was no objection.

Adjourned Public Hearing reopened and there were no comments from members of the public. Public Hearing closed.

Board member:

Mr. Smith asked applicant what will this building be used for?

Rev. Badding said it will be used to park car, bicycle and personal storage.

Gordon Knapp, 4372 Ransomville Road, Ransomville, N.Y. 14131, custodian of the church, said building will be used for storage.

Building Inspector said that where proposed garage will be is the only place flat enough to put a building.

Attorney had no concerns and no other concerns on this application.

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

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **approve** application of Immaculate Conception Church, 4671 Townline Road, Ransomville, N.Y. 14131, for an Area Variance to permit applicant to construct a detached garage with dimensions of 20 feet by 24 feet, 5 feet from

the south side lot line and 50 feet from the road right-of-way upon premises commonly known as 4720 Plank Road. Unanimously approved, motion carried.

Deputy Building Inspector informed Rev. Badding that he needs to get a Building Permit.

(12-03-09) JOHN and MARGARET HANAVAN

Mr. Hanavan was present at this meeting and has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, letter to the board stating his request, picture of proposed building with explanation and copy of Survey map.

Mr. Hanavan said he would like to build a three (3) car garage with a workshop upstairs. First floor a two bay garage in front and one bay on the side. Dimensions of garage 26 feet wide and 38 feet in depth. He also plans to erect a greenhouse in the back approximately 10 feet by 15 feet.

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

Concerns:

Chairman asked applicant if there would be any business conducted from this building and Mr. Hanavan said there will be no business. He said he will have a two-car garage and a garage in the back for a tractor and upstairs for a workshop. This building is for personal use only. Also, the greenhouse would be for personal use only. Building will be on the south side of his house and will need a driveway to it.

Mr. Hanavan said he talked with his neighbors on either side and they had no concerns on the proposal. The house is two story and height of accessory building is not an issue. He said the exterior of the building will look like the house.

Building Inspectors had no concerns.

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

A motion was made by Mr. Allen and seconded by Mrs. Kroening to **approve** application of John and Margaret Hanavan for an Area Variance to permit applicants to construct a 26 feet by 38 feet accessory building approximately 43 feet closer to the road right-of-way than the front main wall of said residence.

Mr. Lane informed Mr. Hanavan that he needs to get a Building Permit.

REPORTS:

Chairman thanked Mr. Allen for being on the Zoning Board and for his years of service.

Information received from N.Y. Planning Federation for on-line education. Need four hours which is annual requirement.

We have an application from September 2008 from Matt and Debbie Foe for a pond that was tabled until more information from D.E.C. was received. It has been one year and 3 months. According to the minutes, Mr. Foe is to advise Building Inspector when he has additional information and to request to be placed on the agenda. If changes are made, may need to fill out a new application.

Building Inspectors – regular report given out
Attorney – no report
Board members- no report

Other business –

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to go into executive session at 8:25 P.M. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to go out of executive session at 8:37 P.M. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to resume the regular meeting at 8:37 P.M. Unanimously approved, motion carried.

Zoning Board meetings will continue to be on the fourth Monday of the month in 2010 except for the month of December and that will be on December 20th.

Next regular meeting will be on January 25th at 8:00 P.M.

Mr. Robinson said he will not be present at the January 25th meeting.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to adjourn at 8:40 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____