

February 26, 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 8:17 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

A motion was made by Mr. Robinson and seconded by Mr. Smith to add tabled decision of David Cloy to the Agenda under Public Hearing. Unanimously approved, motion carried.

A motion was made by Mr. Reardon and seconded by Mrs. Kroening to approve minutes of meeting of January 22, 2007 as presented. Unanimously approved, motion carried.

**TABLED SPECIAL PERMIT** from month of December 2006:

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

Mrs. Eisenhardt was present at this meeting and wishes to renew Special Permit for private kennel.

Secretary read a letter from Susan Warner and P. Darner, 5128 Ridge Road, dated 12/18/06 "To Whom it May Concern" stating they are next door neighbors to the Eisenhardt's and have no objection to their operation and hope the permit is renewed.

Building Inspector said there have been no problems with this Special Permit.

A motion was made by Mr. Reardon and seconded by Mr. Robinson to **renew** Special Permit for a private kennel to Jay Eisenhardt for a period of three (3) years retroactive to December 2006. Unanimously approved, motion carried.

**TABLED SPECIAL PERMIT** from January 2007:

**2004-14 (8-04-04B) SBA Cingular Wireless**  
Communication tower owned by National Grid and co-location owned by SBA Cingular on Barone property at 5105 Lockport Road

There was no one present on behalf of this Special Permit at this time.

Building Inspector said he had received a check for renewal fee.

A motion was made by Mr. Reardon and seconded by Mrs. Kroening to move this issue to the end of the agenda. Unanimously approved, motion carried.

**CURRENT SPECIAL PERMIT RENEWALS:**

**Pat Spina**, 3278 Ridge Road, Ransomville 14131

Extension of Variance for storage of fill and gravel at 3270 Ridge Road, Rans. and  
Extension of Special Permit for vehicle repair at 3270 Ridge Road, Rans.

Mr. Spina was present at this meeting to renew the aforementioned Variance and Special Permit.

Building Inspector said there have been no complaints on the above.

A motion was made by Mr. Robinson and seconded by Mr. Reardon to **renew** the Variance and Special Permit for the above for another three (3) years. Unanimously approved, motion carried.

**1999-01 (12-28-98) Timothy Swift**, 4075 Lower River Road, Youngstown, N.Y. 14174,  
Special Permit to use a former residence, 4314 Church Road, for a business office

Mr. Swift was present at this meeting and would like to renew the Special Permit for the above.

Building Inspector said there have been no complaints on the business office.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **renew** Special Permit to Timothy Swift for a period of three (3) years to use a former residence, 4314 Church Road, for a business office. Unanimously approved, motion carried.

**1992-02 Terry Zastrow**, 4258 North Ridge Road, Lockport 14094  
Special Permit to operate a "Shaklee" products' business

There was no one present on behalf of Mrs. Zastrow at this time.

A motion was made by Mr. Reardon and seconded by Mr. Smith to place this issue at the end of the agenda. Unanimously approved, motion carried.

**(11-09-06) David and Joyce Cloy**, 4281 Burch Road, Ransomville 14131  
Re: Application for Use Variance for ten (10) acre clay mine to be reclaimed to a  
recreation farm pond at 3130 Ridge Road, Ransomville 14131

Mr. and Mrs. Cloy were present at this meeting and were asked if they had anything to add to their proposal and they said they have nothing further to add. All information has been submitted.

The New York State Dept. of Environmental Conservation (D.E.C.) acted as SEQR Lead Agency on this application of David and Joyce Cloy for a clay mine and farm pond and have submitted State Environmental Quality Review Act Negative Declaration with findings dated February 23, 2007 signed by Steven J. Doleski, Regional Permit Administrator. A copy of this document is on file.

Counsel said in his letter dated February 6, 2007, to N.Y.S. D.E.C. there were some concerns as follows:

1. Customary Mitigating Factors
2. Town Roads
3. Haul Road
4. State and County Roads
5. Truck Staging Areas
6. Phased Excavation
7. Hours of Operation

Counsel said D.E.C. addressed all of the aforementioned concerns. He said he doesn't feel they (D.E.C.) have jurisdiction over how Town and County roads are used. Town roads should not be used as truck routes for vehicles being used to remove excavated material from applicants' property.

Staging area – trucks waiting for fill should be on applicant's private property off of the road right-of-way rather than on major roads. No staging area on Route 104.

Mr. Cloy said the proposed pond area is located approximately 1600 feet off of the road. Trucks will not be parking on Ridge Road. The haul road will be two lane wide. D.E.C. doesn't have jurisdiction on town roads.

Some information was received by telephone from Mr. Doleski and the board would like a written letter confirming phone conversation.

Counsel said this board (Zoning Board) can now make a determination on the Use Variance application.

Chairman requested applicants get an original copy from D.E.C. of the State Environmental Quality Review Act Negative Declaration dated 2/23/07 for town records.

Chairman asked board members if they had any further concerns on this application of David and Joyce Cloy?

Mr. Reardon asked about No. 3 under "H, If requested change will alter character of neighborhood?"

In Mr. Cloy's response, per information received dated 1-22-07, said "the pond will be 1600 feet from the road with our land to the south and west with no roads accessible to it". The lane will be the haul road.

Mr. Reardon asked how long will this project last?

Mr. Cloy said he requested five (5) years to complete and hope it could be done in two (2) years, but one year is almost gone now. He said per information received, good to have a pond to hold water in case of a flood.

Mr. Reardon asked what applicants' plans are for control of mosquitoes? Ponds are a source of potential breeding for mosquitoes.

Mr. Cloy said he has no plans at this time to control mosquito breeding.

Chairman asked about the inedibles to be put in the pond for the fish?

Mr. Cloy said he might have to grind up the inedibles. He said he is inquiring about that procedure.

Chairman said to applicant, you have requested a five (5) year permit.

Mr. Reardon said per application, applicants are requesting a ten (10) acre pond to raise fish. What if permit is granted for the pond and then down the road never gets permit to raise fish?

Mr. Cloy said he is not sure what he would do if not able to raise the fish.

Mr. Reardon asked applicant if he has an alternative plan and Mr. Cloy said, no, not at this time.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **grant** a Use Variance to David and Joyce Cloy, 4281 Burch Road, Ransomville 14131, to permit applicants to excavate and mine a ten (10) acre pond to be reclaimed as a ten (10) acre recreation/farm pond upon premises known as 3130 Ridge Road, Ransomville 14131, in the Town of Cambria. Unanimously approved, motion carried.

Renewals:

**2004-14 (8-04-04B) SBA – Cingular Wireless**

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to table action on Special Permit renewal of SBA Cingular Wireless for tower on property at 5105 Lockport Road, Barone property, for one month. Unanimously approved, motion carried.

**1992-02 Terry Zastrow**

A motion was made by Mr. Reardon and seconded by Mr. Robinson to table action on Special Permit renewal of Terry Zastrow for a “Shaklee” business at 4258 North Ridge Road, Lockport 14094, for one month. Unanimously approved, motion carried.

REPORTS:

Board members must get a certificate after attending seminars to be turned into the Town Clerk.

Mr. Klavoon from Wendel Eng. said they are planning to show the video again that was shown on February 6<sup>th</sup>. There was a poor attendance because of the inclement weather.

Mr. Allen attended the video presentation and said it was a good one and urged all board members to see it.

Attorney – nothing to report  
Building Inspectors – nothing to report  
Board members – nothing to report

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to adjourn at 8:51 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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