

January 26, 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. 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
Gary Billingsley, Attorney

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

2009-01 (12-31-08) GARY BELL, 4379 Plank Road, Lockport, N.Y. 14094, for a private kennel to permit applicant to keep up to 6 dogs upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria.

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of December 22, 2008 as presented. Unanimously approved, motion carried.

TABLED RENEWALS:

Counsel said he had been in contact with someone at **Crown Castle International 2002-16 (11-01-02)**, Special Permit for co-location of personal wireless telecommunication service facility upon premises at 3023 Carney Drive, Pekin; and also **Crown Castle Atlantic 1998-19**, Special Permit for telecommunication tower upon premises at 3023 Carney Drive, Pekin.

Counsel was told they wish to renew both the tower and the co-location and a letter will be forthcoming along with checks for renewal fee. He recommended tabling action on the aforementioned until the February meeting.

No communication has been received from Bankruptcy Exchange regarding the renewal of Variance for Picnic Grove on property formerly owned by Delmer Harris at 4660 Ridge Road, Lockport, which property was the subject of a recent foreclosure action.

Per counsel, the board can terminate the variance on its own terms, was due for renewal in November 2008.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **table** action on the renewal of Special Permit for Crown Castle International for co-location of personal wireless telecommunication service facility equipment upon an existing tower and accessory structure upon premises commonly known as 3023 Carney Drive, Pekin, for one more month. Renewal was due in November 2008. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Allen to **table** action on the renewal of Special Permit of Crown Castle Atlantic for telecommunication tower and equipment shelter on premises commonly known as 3023 Carney Drive, Pekin, for one more month. Renewal was due in December 2008. Unanimously approved, motion carried.

A motion was made by Mr. Smith and seconded by Mrs. Kroening that due to the fact no communication was received regarding renewal of variance to operate the picnic grove at 4660 Ridge Road by Delmer Harris, the Variance **expired** on its own terms. Variance was due for renewal in November 2008. Unanimously approved, motion carried.

PUBLIC HEARING:

2009-01 (12-31-08) GARY BELL was present at this meeting and has submitted the following:
Application for Special Permit, Short Environmental Assessment Form and Agricultural Data Statement.

Mr. Bell said he would like to have a personal dog kennel for a maximum of six (6) dogs. He said he raises Labradors.

Public Hearing open:

Peter Sidell, 4380 Plank Road, Lockport, lives across the road from Mr. Bell. He expressed the following concerns:

01. What kind of assurance that dogs will be contained on said premises and not violate Noise Ordinance?
02. What are the dimensions of Mr. Bell's property?
03. This is a residential area, houses are fairly close.
04. They are beautiful dogs. As for barking, one does have a deep voice, but is not terribly annoying.
05. Number of dogs applicant will have and will there be puppies?
06. Don't want dogs loose, where is he going to keep them, has no kennel?
07. Health issues on animals themselves?
08. There has been no problems so far.
09. He and his wife walk along the road and some places dogs are out, have not been attacked.
. One neighbor has dogs that run loose, noise and that person swears.
10. Applicant has no runs for the dogs, fence and future puppies?
11. Don't know what Mr. Bell's plans are for a kennel. Against having a kennel.

James and Mary Hoffman, 4369 Plank Road, Lockport, two houses down from Mr. Bell.

01. Dogs bark in the Summer time. If one starts barking, then other dogs will bark too.
02. Doesn't seem like there is someone home all the time.
03. Concerned about health issue.

Public Hearing closed.

Mr. Bell said he has an invisible fence. Every dog has a collar. Dogs are kept inside when no one is home during the day. Someone comes every day to walk them One dog barks when there is something going on. He said he has four dogs now, six will be the limit. Had a litter of puppies and they were sold right away. Puppies are kept inside. He said he is planning to put up a new barn for the dogs. They are his own personal dogs. There will be no boarding. Puppies are kept inside for six to eight weeks.

Concerns of board members:

Mr. Reardon asked applicant what his plans are for clean up from the dogs?

Mr. Bell said he bags it up and puts it in his brother's woods and that's how it is disposed of.

Mr. Reardon said usually we see a sketch of the property, and there wasn't one provided for this application.

Mr. Bell said one was submitted. He said the new building will be mostly for storage and will be heated.

Mr. Bell was asked how many dogs does he have right now? Mr. Bell said he has four dogs now and a fifth dog had a hip problem. The breeder supplied him with another dog, which is the fifth dog.

Mr. Reardon asked applicant if the dogs are out when there is nobody there?

Mr. Bell said when he is at home, the dogs are out in the invisible fenced area. He doesn't leave them out when there is no one at home.

Mr. Reardon said sometimes the invisible fence doesn't work.

Mr. Bell said fence is in the back yard.

Mr. Reardon said we need a survey of the property for the town records.

Mr. Bell said a proposed new barn will be located behind house and garage.

It was recommended to him to locate the proposed new building on the survey and sketch.

At this time Mr. Sidell said he would like to ask more questions based on what Mr. Bell has said.

He was told the Public Hearing is closed and he should write a letter to the Building Inspector if he wishes to ask more questions and then it will be up to the board whether the questions can be asked.

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

A motion was made by Mr. Robinson and seconded by Mr. Allen to **table** action on request for Special Permit by Gary Bell to have more than three dogs on his premises, until next month as the board requests more information from the applicant. Applicant said he will provide the additional information. Unanimously approved, motion carried.

Attorney explained the reason for the public hearing and if this board feels they need more information from the applicant, they may request same. He said to Mr. Sidell, if you have further concerns, as the public hearing is closed, you should write a letter to the building inspector stating your concerns and then it is up to the board whether they will consider the letter at the next meeting.,

Mr. Sidell feels this situation could get out of control.

REPORTS:

Chairman:

Michael Bechtel has been reappointed alternate board member for the year 2009.

Norman Allen has been reappointed board member and thanked him for staying on.

Attorney : nothing this evening.

Building Inspectors: not present, are attending schooling

The three issues they brought before the board last month will be discussed next month.

A motion was made by Mr. Robinson and seconded by Mr. Smith to adjourn at 8:35 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____