

June 23, 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 8:05 P.M. who welcomed everyone to the meeting followed by the Pledge to the Flag. He then announced the agenda for this evening.

Members present: John Reardon, Chairman
Norman Allen, Theresa Kroening, Peter Smith
Member absent: Donald Robinson
Also present: William Amacher, Chairman of Planning Board
Clifford Burch, Building Inspector
Donald Lane, Deputy Building Inspector
Gary Billingsley, Attorney

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

(06-02-08) PAUL WENDT/CHRIST CENTERED PROPERTIES, 5910 Ward Road, Sanborn, N.Y. 14132, for a Special Permit for warehousing, sale of bulk foods and sale of pet supplies in an existing building located at 2990 Carney Drive, Sanborn, N.Y. 14132, pursuant to the Special Permit Ordinance of the Town of Cambria.

(06-04-08) ROBERT BREEN, 4277 Plank Road, Lockport, N.Y. 14094 for an Area Variance to permit applicant to construct a 6' by 46' covered porch upon said premises 55' from the road right-of-way, whereas the Zoning Ordinance does not permit construction of such a structure closer to the road right-of-way than 60'.

(02-04-08) COUNTY OF NIAGARA, 59 Park Avenue, Lockport, N.Y. 14094, for a Special Permit to construct a new County Public Works Facility upon premises commonly known as 5058 Lockport Junction Road in the Town of Cambria pursuant to the Special Permit Ordinance of the Town of Cambria

A motion was made by Mrs. Kroening and seconded by Mr. Smith to approve minutes of meeting of May 19, 2008 as presented. Unanimously approved, motion carried.

CURRENT SPECIAL PERMIT RENEWAL:

International Union of Operating Engineers Special Permit for Training Center

Paul McCollum, Vice President of the Operating Engineers was present at this meeting and said they wish to renew the Special Permit and no changes have been made in the operation.

Building Inspector said he had received no complaints on this Special Permit.

Previous renewal was for five (5) years.

A motion was made by Mr. Smith and seconded by Mr. Allen to **renew** Special Permit to International Union of Operating Engineers to operate a training center at 3365 Ridge Road, Ransomville 14131 for another five (5) years. Unanimously approved, motion carried.

1991-19 Larry Trimble, 5120 Ridge Road
Special Permit for gift shop and indoor storage facility

Special Permit was due for renewal in May, letter was sent and no response at time of meeting. Per Real Property Transfer Report, property had been sold. The Special Permit was terminated. The letter was returned with notation on the envelope “Return to Sender, Attempted – not known – Unable to Forward”. Letter was received back on May 29, 2008.

PUBLIC HEARINGS:

(06-02-08) PAUL WENDT/CHRIST CENTERED PROPERTIES

Mr. Wendt was present at this meeting and has submitted the following: Application for Special Permit, Short Environmental Assessment Form, Agricultural Data Statement and map showing location of the building on the property.

Mr. Wendt said he is purchasing the property with an old school house on, which formerly housed Corr-Craft, Inc. He said he will be warehousing and selling bulk foods and pet supplies. Applicant said he will go to the Niagara County Health Department and see what is necessary to operate this business. The products come in by truck in large quantities and then he breaks them down into smaller sizes. Example: flour may come in 250 pound containers and then broken down into 5 and 10 pound bags, etc.

Public Hearing open:

Joseph Wegrzyn, 2980 Carney Drive, lives adjacent to the property where the Special Permit for the business is requested. He said he had no complaints with the previous owner and the Wendt’s are very reputable people.

Mr. Wegrzyn had a few issues as follows:

1. Feels the town doesn’t do enough policing as far as Special Permits are concerned. Permits are given and then after the business is operating, no one checks to see how the business is going and if they are abiding by the town ordinance, etc.
2. Does the town provide for re-inspection of the building once people are in business?
3. Check on improvements to the building or additions to same.

There were no further comments on this request for Special Permit.
Public Hearing closed.

Board members:

Mr. Allen asked applicant the following:

1. What are the hours of deliveries?

Mr. Wendt said deliveries would be made during business hours – 8:00 A.M. to 5:00 P.M. Monday through Friday.

2. Will there be outside storage?

Mr. Wendt replied no outside storage.

3. Where will the trucks come in?

Mr. Wendt said the trucks will come in on the east side of the property and unload. The building is existing but the business is new.

Mr. Smith asked what type of business will this be?

Mr. Wendt said it will be a retail and commercial business.

Mr. Burch said when there is a new Special Permit for a business, the building inspectors periodically go and check on the business but not on all businesses. For example, there was a new bakery in a home in the town and during the first year checked on that business. He said new businesses by Special Permit are initially for one year and then may be renewed for a longer period of time if they are in compliance with the Zoning Ordinance and no complaints. The building inspectors do not very often go and check on the businesses if there are no complaints. If there is a complaint, do check and see if the complaint is valid.

Board members did not have any further concerns on this proposed business.

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

A motion was made by Mrs. Kroening and seconded by Mr. Smith to **approve** request for Special Permit to Paul Wendt/Christ Centered Properties for warehousing, sale of bulk foods and sale of pet supplies in existing building located at 2990 Carney Drive, Sanborn 14132, for a period of one (1) year with the following conditions:

1. There is to be no outside storage of articles.
2. Deliveries only day time hours between the hours of 8:00 A.M. to 5:00 P.M. Monday thru Friday.

Mr. Burch said the Planning Board will act on a Site Plan Review which includes the hours of operation.

An amendment was made to the preceding motion, approved by Mrs. Kroening and Mr. Smith, that this request is to go before the Planning Board for Site Plan Review.

3. Approval is subject to Site Plan Review by the Planning Board.

Mrs. Kroening and Mr. Smith agreed to the full motion. Unanimously approved, motion carried.

Mr. Wendt said he was not informed that he had to go to the Planning Board for Site Plan Approval. He said this will delay the opening of the business.

(06-04-08) ROBERT G. BREEN was present at this meeting and has submitted the following:
Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey.

Mr. Breen said he would like to build a 6' by 46' covered porch on to the front of his home. The front of the porch will be 55' from the right-of-way and ordinance requires 60'.

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

Concerns of board members:

Mr. Smith asked applicant if the porch would be enclosed?
Mr. Breen said it will be open on the front and sides with just a roof.

Mr. Smith asked if porch would be just across the front of the house?
Mr. Breen said "yes", it will be an open porch. It will be for relaxation and cut down on the heat on the front of the house.

Building Inspector said there are several others in that area that have similar type porches.

Board members had no further concerns.

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

A motion was made by Mr. Smith and seconded by Mr. Allen to permit applicant to construct a 6' by 46' covered porch upon said premises 55' from the road right-of-way. Unanimously approved, motion carried.

2008-03 (02-04-08) COUNTY OF NIAGARA for a Special Permit to construct a new County Public Works Facility upon premises commonly known as 5058 Lockport Junction Road.

The following have been submitted: Application for Special Permit, Short Environmental Assessment Form, Agricultural Data Statement and several maps.

Richard Eakin, Deputy Commissioner of the County Public Works was present at this meeting and said they would like a Special Permit for a new County Public Works facility to be located at 5058 Lockport Junction Road. They have outgrown their present facility. They are proposing to purchase

60 acres and use 35.5 acres at this time.

Public Hearing open:

Susan Bachlas, 5044 Lockport Junction Road, expressed a few concerns on this proposed facility: drainage, how close will the new facility be to her home?, traffic, how will property values be affected?

L. D'Angelo from the Town of Wheatfield, spoke on behalf of a relative who lives in the vicinity of this property, and expressed the following concerns: how will the new facility affect property value? (may devalue), maintenance garage, increase in traffic, possible contaminants into the soil, size of building and tax base?

Public Hearing closed.

Counsel explained the process. Zoning Board can request Planning Board to make a recommendation. Applicant would like some sort of an approval by July. Recommend Zoning Board grant the Special Permit request subject to recommendation from the Planning Board. A special meeting could be held in July.

Preliminary sketch plan shows the building to be about in the center of the property, similar to the new D.O.T. building on the opposite side of Lockport Junction Road.

Mr. Eakin said they will have a water process, will be under regulations by D.E.C., Stormwater process, etc. Will need to go before the Planning Board for Site Plan Review.

Chairman said the issue this evening is the Special Permit for a municipal use.

Mr. Eakin said as far as the affect on property values in the area is concerned, he doesn't think that this proposal would devalue the properties. It will be a State of the Art building and will not be an eye sore.

Mr. Burch said building will be across from the Delphi entrance. There are homes on both sides of the road in that area. There is one property between the proposed Public Works facility and the Industrial Zone.

Concerns of board members:

Mr. Allen asked about tax exemption status?

Tax status on the property was discussed and the property will not be fully taxable but will be subject to special district taxes.

Side yard setbacks will be in compliance with the town ordinance. The building will be a maximum distance from the neighbors on this parcel. They are purchasing 60 acres and about 35 acres for building use and landscaping.

A motion was made by Mr. Smith and seconded by Mrs. Kroening to declare **negative declaration under SEQR** on application of County of Niagara, Dept. of Public Works. Unanimously approved, motion carried.

A motion was made by Mr. Smith and seconded by Mrs. Kroening to **approve** request for Special Permit to County of Niagara, 59 Park Avenue, Lockport 14094, to construct a new County Public Works facility upon premises commonly known as 5058 Lockport Junction Road in the Town of Cambria subject to recommendation for approval by the town Planning Board. Site Plan review by the Planning Board to be acted on once final plans are prepared. Initial period of Special Permit is one (1) year. Applicant is to comply with all applicable Federal, State and local regulations including Stormwater drainage and D.E.C. regulations. Unanimously approved, motion carried.

Mr. Eakin said construction of the main building will probably not take place until 2010.

REPORTS:

Chairman said he will not be present at the July 28th meeting and has asked Mrs. Kroening to fill in.

All five board members and the alternate attended the training meeting at N.C.C.C. on June 18, 2008.

A Special meeting is planned by the Planning Board for July 7th at 7:00 P.M. to make recommendations on the new proposed Public Works facility.

Building Inspectors – monthly report handed out.
Issued first building permit for Willow Creek

A motion was made by Mr. Allen to adjourn at 8:50 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____