

June 28, 2010

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  
Michael Bechtel, Theresa Kroening, Donald Robinson, Peter Smith  
Also present: Michael Sieczkowski, 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:

**(06-03) STEVEN A. PYLPIAK**, 5010 Lower Mountain Road, Lockport, N.Y. 14094 for an Area Variance to permit applicant to construct an accessory building approximately 5 feet from the west side lot line, whereas the Zoning Ordinance does not permit construction of such a structure closer to a side yard lot line that 15 feet.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to approve minutes of meeting of May 24, 2010 as presented. Unanimously approved, motion carried.

**SPECIAL PERMIT RENEWAL** (tabled from February 2010):

**2004-02 (02-02-04) Omnipoint Communications Inc. (T-Mobile USA)**

Special Permit for co-location of personal wireless telecommunication service facility equipment upon an existing telecommunications tower upon premises at 4621 Ridge Road, Lockport 14094

No one was present on behalf of the above this evening.

Chairman read the following communication dated June 28, 2010 to Zoning Dept., Attn. Donna Antoncich which was received via FAX from Dianne Love, Project Coordinator, Omnipoint Communications, a subsidiary of T-Mobile, stating the following: "please accept this letter as T-Mobile's intent to carry through with the renewal of our Special Use Permit for the telecommunications co-location at 4621 Ridge Road, Lockport, N.Y. 14094. The original Special Use Permit was applied for and granted by the Town of Cambria in February 2005. Once the Permit has been approved, please send to my attention at 103 Monarch Drive, Liverpool, N.Y. 13088".

"A \$500 application (renewal) fee will be forth-coming."

Counsel recommended granting the renewal for less than the usual 5 years. He also recommended renewal not be signed until renewal fee is received by the town and also applicant be required to furnish a current contact person's name be on file with the town at all times.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **renew** Special Permit to Omnipoint Communications (T-Mobile USA) for co-location of personal wireless telecommunication service facility equipment upon an existing tower upon premises at 4621 Ridge Road, Lockport 14094 for

a period of three (3) years with conditions:

1. No permit shall be renewed until fee of \$500.00 has been received by the Town of Cambria.
2. Renewal of Special Permit shall not be signed until fee is paid.
3. Applicant is required to have the name of a current contact person on file with the Town of Cambria at all times.

Unanimously approved, motion carried.

### **SPECIAL PERMIT RENEWALS (Current)**

**(06-01-06) James Henning**, 2967 Lower Mountain Road, Sanborn, N.Y. 14132  
Special Permit to operate a public stable at 2995 Lower Mountain Road, Sanborn

Mr. Henning was present at this meeting and said he wishes no changes and wants to continue with his business.

Building Inspector said he has received no comments on this business.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to **renew** Special Permit to James Henning, 2967 Lower Mountain Road, Sanborn, to operate a public stable at 2995 Lower Mountain Road, Sanborn 14132 for a period of three (3) years. Unanimously approved, motion carried.

**1992-07 Samuel Colosimo**, 3588 Lower Mountain Road, Sanborn 14132  
Special Permit to operate a rooming house

Mr. Colosimo was present at this meeting and said he wishes to renew the Special Permit and requested no changes, everything is fine and wishes to continue.

Building Inspector had no comments on the Special Permit.  
Board members had no concerns on this Special Permit.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **renew** Special Permit to Samuel Colosimo to operate a rooming house at 3588 Lower Mountain Road, Sanborn 14132 for a period of three (3) years. Unanimously approved, motion carried.

**Delores Hill**, 3262 Lower Mountain Road, Sanborn 14132  
Special Permit for boarding stable and lessons

Kenith Hill, husband of Delores, was present at this meeting and said they wish no changes in the Special Permit and wish to continue with the business.

The following complaints have been received:

From: Carlo and Lisa D'Angelo  
To: Town Clerk dated June 25, 2010  
Re: Hill's stable, 3262 Lower Mountain Road  
Subject: Dust from vehicles using driveway to the stable coming on to D'Angelo property which goes into their windows and pool

From: Carlo and Lisa D'Angelo  
To: Town of Cambria Zoning Board, John Reardon, Chairman, dated May 17, 2010  
Re: Permit renewal of Hill's Stables  
Subject: "Influx of dust and noise from patrons infringes upon their, D'Angelo's, quality of life until all hours of the night, pool maintenance nearly impossible, dust at meal time when using the grill, increase of traffic to the barn ". Also said they "restore vintage motorcycles and the occasional classic car as hobbies and dust causes damage to the workmanship". They would like a "permanent solution to the dust problem from the driveway".

A copy of the above correspondence is on file.

Counsel said from the Original Special Permit approval in 1986, stipulation No. 9 stated "applicant is to provide a dust-free driveway from Lower Mountain Road and adequate off-street parking.

Building Inspector said there have been complaints during the last two or three years and most of the complaints were on dust. There is more traffic than there used to be.

Mr. Hill said their business has diminished, are operating three days per week instead of five days as in original permit.

He said Modern comes in once a week and people drive slowly up the driveway. There are neighbors on ATV's and gravel along the side of the road that creates dust. Mr. D'Angelo was aware of the conditions before his house was built.

Chairman said in original conditions of Special Permit, stated it was to be a dust-free driveway.

Mr. Hill said he does the best he can to maintain the driveway which is stoned and is packed down.

Chairman asked Mr. Hill if the dust is more seasonal?

Mr. Hill said the business is operated from May through October. Does try to keep the dust down.

Mr. Burch said it is the same people, Carlo and Lisa D'Angelo, that are complaining about the dust.

Dep. Bldg. Inspector suggested putting water on the driveway.

Mr. Hill said the property is in an Agriculture District, farm property. He said he puts water on the driveway on an as-needed basis.



Building Inspector had no concerns on this issue.

Board members had no concerns.

A motion was made by Mr. Bechtel and seconded by Mrs. Kroening to **renew** Special Permit for a period of (1) year to Paul Wendt for a business at 2990 Carney Drive, Sanborn 14132. Unanimously approved, motion carried.

This concludes Special Permit Renewals.

### **PUBLIC HEARING:**

**(06-03-10) STEVEN A. PYLYPIAK** was present this evening and the following have been submitted: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, copy of letter to Building Inspector's Office from Mr. and Mrs. Pylypiak explaining their proposal and signatures of neighbors, James and Diane Hanel, approving this request, copy of survey and copy of sketch of the property.

Mr. Pylypiak said he would like to construct an accessory building, 12 feet by 16 feet, five feet from west property line, a pole barn type for personal storage. He said he has a good relationship with his neighbors who had no objection to the building.

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

Public Hearing closed.

Concerns of board members:

Mr. Bechtel asked applicant how high will the building be?

Mr. Pylypiak said the walls will be 8' high, there will be a pitch on the roof and it will be less than 14' in height on a one-half acre lot.

Chairman asked applicant why the building couldn't be moved further from the lot line and Mr. Pylypiak said he wants the yard for the children to play and for a garden. Septic system is in the back yard. Building will be for the storage of lawnmowers and personal items.

Building Inspector had no comments.

Counsel had no concerns.,

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

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **approve** Area Variance to Steven A. Pylypiak to permit applicant to construct an accessory building approximately five (5) feet from the west side lot line. Unanimously approved, motion carried. .

Mr. Lane reminded applicant that he needs to get a building permit.

REPORTS:

Chairman - All board members attended the N.Y. State Dept. of Training on June 16<sup>th</sup> at  
Niagara County Community College.

Counsel – no report

Building Inspectors – Willow Creek Estates – Ryan Homes

There are three lots left to be built on in this subdivision which are closest to the  
flood zone.

Board members – nothing to report

Next meeting will be July 26<sup>th</sup>.

A motion was made by Mr. Bechtel and seconded by Mr. Smith to adjourn at 8:40 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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