

March 23, 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
Robert Klavoon, Wendel Duhscherer Eng.

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

(02-25-09) BARBARA DOMEDION, 4583 Plank Road, Lockport, N.Y. 14094 for a variance to construct a 24' by 30' detached garage upon said premises 5' from the south side lot line, whereas the Zoning Ordinance does not permit construction of a detached garage closer to a side lot line than 15 feet.

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

TABLED RENEWALS:

2002-16 (11-01-02) Crown Castle International – co-location on property at 3023 Carney Drive
1998-19 Crown Castle Atlantic LLC – tower on property at 3023 Carney Drive

CURRENT RENEWAL:

1998-03 (03-16-98) Crown Castle International (formerly in the name of Nextel Communication) co-location on tower located behind 4719 Lockport Road

Counsel said he talked to a representative of Crown Castle this morning on these issues. He recommended tabling until end of the meeting. These are three separate renewal applications.

A motion was made by Mr. Allen and seconded by Mrs. Kroening to table the three renewals until end of the agenda. Unanimously approved, motion carried.

PUBLIC HEARING:

(02-25-09) BARBARA DOMEDION, 4583 Plank Road and friend, Charles Chellino, were present at this meeting and Ms. Domedion has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, copy of portion of town map and copy of survey.

Mr. Chellino said they would like to build a 24' by 30' two car detached garage on the south side of their home which will be about five (5) feet from the south side lot line. Garage will be up to the top of their driveway. It will have a metal roof. There is a storage shed on the property.

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

Concerns of board members:

Chairman asked if the proposed garage could be placed further to the north?

Mr. Chellino said “no”, garage couldn't be moved because the septic system is right behind the house and would infringe on one of the lines. He said the building will be two story with a gambrel roof, but will not be as high as the house.

Mr. Robinson asked if they had plans to have a business from this building and Mr. Chellino said there would be no business from this building. He said the upstairs will be used for storage.

Building Inspector had nothing to add.

Mrs. Kroening said she looked at the property and the septic system is behind the house. Also, in back of the house is a sun porch and if garage was moved to the north, would be looking at the shed. There will be about six (6) feet between the two buildings.

Debra Kroening, who lives next door to the south had no concern on this proposed garage. There is an empty field between applicant's property and Mrs. Kroening's property.

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

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **approve** Area Variance to Barbara Domedion, 4583 Plank Road, Lockport 14094 to construct a 24' by 30' detached garage upon said premises five (5) feet from the south side lot line. Unanimously approved, motion carried.

RENEWALS:

Mr. Kyle Mac Callum was present on behalf of Crown Castle. He said it is their responsibility to pay the renewal fees for the towers and the co-locators to pay their fees.

Counsel said the telecommunication towers and co-locations on the towers could be renewed contingent on the town receiving the fees and also the town needs to know who is the contact person for Crown? The renewals will be for a period of five (5) years retroactive to their renewal dates.

2002-16 (11-01-02) Crown Castle International (formerly in the name of Verizon Wireless)

A motion was made by Mr. Allen and seconded by Mr. Robinson to **renew** Special Permit to Crown Castle International for a period of five (5) years retroactive to **November 2008** for co-location

of personal wireless telecommunication service facility equipment upon an existing telecommunication tower and accessory structure upon premises commonly known as 3023 Carney Drive, Pekin, N.Y. upon receipt of renewal fee of \$500.00. Unanimously approved, motion carried.

1998-19 Crown Castle Atlantic LLC

A motion was made by Mr. Robinson and seconded by Mr. Allen to **renew** Special Permit to Crown Castle Atlantic LLC for a period of five (5) years retroactive to **December 2008** for Telecommunication tower and equipment shelter at 3023 Carney Drive on property of Pekin Fire Co., Upper Mountain Road. Check received in February 2009. Unanimously approved, motion carried.

1998-03 (03-16-98) Crown Castle International (formerly in the name of Nextel Communication)

A motion was made by Mr. Smith and seconded by Mrs. Kroening to **renew** Special Permit to Crown Castle International for a period of five (5) years retroactive to **March 2009** for Telecommunication service facility equipment upon an existing telecommunication tower upon premises located behind 4719 Lockport Road in the Town of Cambria, upon receipt of renewal fee of \$500.00. Unanimously approved, motion carried.

REPORTS:

Chairman reported on the approved application for a private kennel by Gary Bell, Plank Road. There was a concern by board members on the proper disposal of dog waste.

Mr. Reardon contacted Mr. James Devald at the Niagara County Health Department on the issue of disposal of dog waste on Feb. 27, 2009 and March 02, 2009 which pertains to all kennels. In part, the communication states “solid waste must be disposed via solid waste collection and disposal at a solid waste landfill or incinerator; and liquid waste from cleanup of the cages/facility, which is considered wastewater, must go to sewer or approved septic system”. Also, check with Cornell Cooperative Extension.

Attorney – when there is no response to renewal letters, the board can terminate on its own

Building Inspectors – Gave out monthly report

Board members – nothing to report this evening.

OTHER BUSINESS:

2009-02 (03-12-09)

Owner:	Modern Recycling, Inc.
Agent’s name:	Cambria Asphalt Products, Inc.
Property location:	5204 Lockport Junction Road
Zoned:	Industrial

Mr. Paul Pass, owner of Shelby Crushed Stone, Inc. and Thomas Biamonte, applicant, were present at this meeting and have submitted the following: Application for Special Permit to operate Cambria Asphalt Products, Inc., letter dated February 20, 2009 to Town of Cambria, from Gary E. Smith

Chief Operating Officer of Modern Recycling, Inc., stating the lease agreement with Shelby Crushed Stone to lease property at 5204 Lockport Junction Road to erect and operate a portable asphalt plant; Agriculture Data Statement, Proposed Business Plan for Cambria Asphalt Products consisting of seven pages, SEQR Full Environmental Assessment Form consisting of 21 pages and Map consisting of Cover Sheet, Site Plan and Survey of part of Lot 19.

The Niagara County Planning Board recommended approval of the Special Permit and Site Plan Review on the proposal of Cambria Asphalt dated 3-16-09.

Board members have received the packet on the proposal.

Mr. Pass then explained what is proposed.

At present, they operate Shelby Crushed Stone, Inc., Eagle Harbor Sand & Gravel, Inc. and continue to expand operations and this proposal to operate a Hot Mix Asphalt plant. They believe the site on Lockport Junction Road to be a central location in Niagara County. The new business will take the name of Cambria Asphalt Products, Inc. (Summary of proposed business plan for this firm is enclosed in the packet).

Mr. Pass said they have purchased a plant which is in the process of being shipped to the Lockport Junction Road site. They want to clean it and do some painting on it. It will be a tan color. There will be a series of bins (coal-fed bins). He said they own Shelby Crushed Stone in Albion. Stone will be shipped up here to mix with the asphalt screenings and every type of stone, 2", 1", ½". He explained the process. They make tops, binders, etc.

They do business with towns, State, County and private individuals. They hope to do approximately 50,000 tons the first year in operation, first time operation. They deliver their own stone, own a series of trucks, tractor-trailers, dump trailers and tandems. They will stockpile the stone at the site at this time. If the request for Special Permit is turned down, they will sell the stone. Plant will be placed in front of retention pond.

Richard Washuta, owner of Modern Recycling, was shown lay out of the plant.

Chairman asked what will be the daily truck traffic, number of trucks in and out in a day?

Mr. Pass said there would be approximately nine (9) of their own trucks bringing in stone per day. They may have to hire other people to also bring in stone. They also deliver stone to private people. There could be 25 – 50 trucks in a day coming in to the plant. Also, there will be asphalt tankers coming in. There will be two 25,000 gallon tanks for waste oil for the burner.

They are looking into using natural gas. They would have to bring the gas down from Upper Mountain Road which would be costly (approximately \$80,000,00). They have also talked to someone at Tennessee Gas, a neighbor. Their gas is not odorized.

Mr. Pass was asked when do they plan to start the operation?

He said they hope to be ready by July 1, 2009. The plant is in good shape, needs to be painted.

They plan to operate six (6) days a week, ½ day on Saturday. Hours of operation, 6:00 A.M. to 5:00 P.M., start preheating the whole plant at 6:00 A.M., heat all of the steel, preheat 15 – 20 minutes aggregate.

Mr. Pass said this is a unique spot for the operation as it is secluded, centralized location for entrance coming in. They will remove some of the existing barriers.

Mr. Allen asked when burning waste oil, will there be a lot of smoke?

Mr. Pass said there will not be much smoke at this time as they have a fairly new burner. Building will be on a pad.

Mr. Lane said this business will be a good asset for the town.

Mr. Klavoon quoted from Zoning Ordinance Section, 700 Permitted Uses and Section 701 Prohibited Uses in Industrial District. Applicant filled out Long Form SEQR. Mr. Klavoon recommended a Coordinated Review. Applicant must submit Tank Registration Permit, follow D.E.C. regulations and ask for comments from Health Department, D.E.C., D.O.T., Niagara County Highway Department, Dept. of Agriculture and Markets because Agriculture Districts are on three sides of this property and in proximity to the Town of Lockport.

A motion was made Mr. Smith and seconded by Mr. Robinson to declare Zoning Board Lead Agent under SEQR and Application for Unlisted action under SEQR. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Smith to designate town engineer to do Coordinated review with a minimum of 30 days for the different agencies to respond. The starting date is March 24, 2009. Unanimously approved, motion carried.

A motion was made by Mrs. Kroening and seconded by Mr. Smith to hold a public hearing on April 27, 2009 at 8:00 P.M. on the application for Special Use Permit and to determine if there are any comments. Unanimously approved, motion carried.

The applicant should include proposed location of sign and size on the Site Plan.

Mr. Allen asked if there will be a designated turning lane into the facility?

Mr. Pass said at this time, no turning lane.

A motion was made by Mr. Robinson to adjourn at 9:05 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____