

March 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 8:04 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
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 applications:

(01-11-07) DAVID S. ERWAY, SR. of 4204 Willow Road, Wilson, New York 14172, for a Temporary Variance to permit applicant to temporarily store excavated fill upon a vacant lot in the B-2 Zoning District of the Town of Cambria until June 30, 2007, upon premises being located on the east side of Cambria-Wilson Townline Road approximately 250 feet south of the intersection of Cambria-Wilson Townline Road and North Ridge Road, whereas the Zoning Ordinance does not permit storage of excavated material within 500' of a lot line or road right-of-way in any use district in the Town of Cambria.

(02-28-07) CAMBRIA VOLUNTEER FIRE COMPANY, INC., of 4631 Cambria Wilson Road, Lockport 14094, for a Special Permit to permit applicant to operate an annual Dog Show for up to four (4) days per year upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to approve minutes of meeting of February 26, 2007 as presented. Unanimously approved, motion carried.

TABLED SPECIAL PERMIT RENEWALS from February 2007:

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

Mrs. Zastrow was present at this meeting and said there are not many customers who come to her home for the products. Most of her business is done over the Internet and delivered direct to the customers. She said she would like the Special Permit extended for five (5) years.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **renew** Special Permit to Terry Zastrow to operate a "Shaklee" products business from her residence at 4258 North Ridge Road, for a period of five (5) years retroactive to February 2007 per request of Mrs. Zastrow. Unanimously approved, motion carried.

2004-14 (8-04-04B) SBA Cingular Wireless – Special Permit for Communications tower reportedly owned by National Grid, located on Barone property at **5105** Lockport Road

There was no one present this evening on behalf of the aforementioned.

In the opinion of the Building Inspectors, there should be two \$500.00 renewal fees on this property, one for the tower, reportedly owned by National Grid per Timothy Connelly, and the other, SBA Cingular for the co-location. A fee of \$500.00 for the co-location was received at the end of February 2007.

A motion was made by Mr. Reardon and seconded by Mrs. Kroening to table action on the aforementioned renewal until next month. It was suggested that the town research the property owner so that we can contact them. Unanimously approved, motion carried.

CURRENT SPECIAL PERMIT RENEWALS:

2002-02 (02-14-02B) Cingular Wireless, Special Permit for co-location of personal wireless telecommunication service facility equipment on existing tower at **4160** Upper Mountain Road, Sanborn, N.Y. 14132.

There was no one present on behalf of the aforementioned.

A motion was made by Mr. Reardon and seconded by Mrs. Kroening to table action for one month for renewal of co-location on property at 4160 Upper Mountain Road. Unanimously approved, motion carried.

1997-01 James Puchlerz , 5070 Saunders Settlement Road, Lockport, N.Y. 14094
Special Permit to keep livestock on less than five (5) acres

Mr. Puchlerz and son were present this evening and wish to renew Special Permit.

Chairman asked Mr. Puchlerz the status of the property? At the previous time of renewal, Mr. Puchlerz said he was planning to purchase additional acreage from Thomas Class, next door neighbor..

Mr. Puchlerz said he is in the process of purchasing the property. He said he will have a total of twelve (12) acres.

Also, a copy of the lease agreement with Mr. Class, which expired in 2005, was to be submitted. A new lease agreement was received this evening for the period 2007 thru 2012.

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

A motion was made by Mr. Reardon and seconded by Mr. Robinson to **renew** Special Permit to James Puchlerz for a period of three (3) years to permit Mr. Puchlerz to keep livestock on less than five (5) acres. A current lease will be on file and in effect from 2007 thru 2012. Unanimously approved, motion carried.

2005-02 (2-28-05) Mr. and Mrs. Charles Baker

Special Permit to maintain temporary living quarters for use by Mrs. Baker's father, Robert Rounds, on premises at 5061 Ridge Road.

Secretary read a letter received from Mr. Baker stating he would not be able to attend this evening's meeting and is not requesting renewal of the permit at this time. He said since the last renewal, Mr. Round's son has moved into Mr. Rounds' residence to aid in his care.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to let the Special Permit of Mr. and Mrs. Charles Baker expire on its own terms. Per Mr. Baker's letter, they are not requesting renewal of the Special Permit at this time. Unanimously approved, motion carried.

PUBLIC HEARINGS:

(1-11-07) DAVID S. ERWAY, SR. and son were present at this meeting.

The following have been submitted: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of portion of town map highlighting where property is located and location of the dirt pile.

Public Hearing open:

Mr. Erway said some of the dirt has been on this property since 2001 and did not realize there was a problem with storing it on this property. He said if he had known, he would not have placed it there. The pile is approximately twelve (12) feet high and 100 feet long. He said he has been taking dirt out when needed and has a project in Ransomville and other projects as well where some will be taken to. He said he had not received any complaints on this pile of dirt. There are hundreds of loads there.

There were no comments from members of the public on this issue.

Public Hearing closed.

Mr. Erway said it would be impossible to move the dirt pile by June 30, 2007.

Mr. Smith asked what would be a reasonable amount of time to get the dirt out?

Mr. Erway asked the board if the date could be changed to November 30, 2007?

Discussion followed and it was determined that changing the original application to November 30, 2007 was too great of a change.

Mr. Erway agreed to leave it as June 30, 2007 and if not able to move the dirt by that date, then he would reapply for a new application at that time.

Mr. Erway said it would be awhile before he can get onto that property because of the wet weather. He said some of the dirt will be going to his property on Cambria-Wilson Road where the

former bowling alley was located. He said he has been storing dirt on this property since 2001 as it is a high spot.

Building Inspector said the pile wasn't as high as it is now.

Mr. Erway said there are about 250 tandem loads there with approximately seventeen (17) cubic yards per load which equals 4100 cubic yards.

Then Chairman asked why the application read 300+ cubic yards? Discussion followed and Mr. Erway responded, "he had to put something down and that was what he came up with".

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

Applicant was asked what his home address is and he replied 4202 Willow Road, Wilson 14172.

A motion was made by Mr. Reardon and seconded by Mr. Robinson to **approve** request for an Area Variance by David Erway, Sr. to store dirt on property at 4078 North Ridge Road, Lockport 14094 until June 30, 2007.

Counsel said the Niagara County Planning Board recommended approval of this request.

Unanimously approved, motion carried.

2007-04 (2-28-07) CAMBRIA VOLUNTEER FIRE COMPANY, INC.

The following have been submitted: Application for Special Permit, Short Environmental Assessment Form, Agricultural Data Statement, copy of Survey, copy of letter to Gary Billingsley from Howard Morgan, President of the fire company dated February 23, 2007, stating the days and hours of the event to be held in September 2008 and a sketch of the property showing: dog show area, fire hall, parking lots and where motor homes, trailers and RV's will be parked

Mr. Mark Printup was present this evening on behalf of the fire company.

Public Hearing open:

Mr. Printup said they would like a Special Permit for a period of five (5) years, 2008 thru 2012, to permit the Niagara Falls Kennel Club to operate an annual dog show for up to four (4) days per year on fire company premises. This event has been held on the fire company premises in the past for three (3) days and a Special Permit was not required. The Planning Board could grant a temporary permit for three (3) days (72 hours), but the Kennel Club wished to extend the event to four (4) days. The days and hours requested are: Thursday, Friday and Saturday – beginning at 8:00 A.M. and 11:00 A.M. and ending at 4:00 P.M. and 6:00 P.M. and Sunday beginning at 8:00 A.M. and 11:00 A.M. and ending at 5:00 P.M.

There were no concerns from members of the public.

Public Hearing closed.

Mr. Reardon asked if the event would be held outside? The answer was the event would be held for a maximum of four (4) days and held outside. The events are operated by rules of the Kennel Club and the dates cannot be changed.

Mr. Reardon also asked if this event attracts people outside of the club?

Chairman asked if people come to view these events? The answer was “yes” local people do attend the events. Some people may come just to see a particular part of the show or to see a certain breed of dog.

Building Inspector asked how many people other than dog handlers will there be? No answer

A temporary recess was called at 8:50 P.M. and reconvened at 8:57 P.M.

Bonnie Matteson, Co-Chairman of Kennel Club of Niagara Falls, said some people only come to see a particular breed and then go home.

Counsel quoted from Section 1101 of the Zoning Ordinance and said certain types of Special Permits are renewable. This particular one being a renewable Special Permit, if granted, can allow it to continue as long as this applicant, Cambria Volunteer Fire Company, owns the property and this particular dog show organization, Niagara Falls Kennel Club, wants to continue the dog show.

Mr. Reardon said in this case, the Special Permit is specifically for this particular dog show, sponsored by Niagara Falls Kennel Club, and property is owned by the Cambria Volunteer Fire Company. If the fire company wanted to have, for example, a horse show, they would need to apply for a new Special Permit.

The Kennel Club is affiliated with other clubs. Dog owners do not necessarily belong to this club. Different people exhibit the dogs. The Niagara Falls Kennel Club sponsors the show.

Mr. Lane requested waiving the fee for the Special Permit as the Cambria Volunteer Fire Company is a non-profit organization.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to declare **negative declaration under SEQR** on application of Cambria Volunteer Fire Company.

It was asked who is responsible for taking care of the waste?

Ms. Matteson said the Kennel Club will be responsible for removal of animal waste and will also clean up everything in a proper manner.

Unanimously approved, motion carried.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to permit Cambria Volunteer Fire Company, Inc., 4631 Cambria Wilson Road, Lockport 14094, to have a four (4) day dog show on its property by the Niagara Falls Kennel Club and any affiliated organizations and that the waste be disposed of in a proper manner. Unanimously approved, motion carried.

A motion was made by Mr. Smith and seconded by Mr. Reardon to waive the \$125.00 fee for this Special Permit to Cambria Volunteer Fire Company, Inc. Unanimously approved, motion carried.

REPORTS:

Mr. Robinson, Mrs. Kroening and Mr. Ohol attended training meeting by Dept. of State at Niagara Community College.

Mr. Ohol attended the training meeting in Erie County, Dept. of Environ. and Planning, in Buffalo on March 1, 2007 – 4 hours.

Filing of findings – per recent communication, filing of decisions on applications or other matters requiring a vote, the results are to be turned into the Town Clerk within five (5) days from meeting date stating what the decision was on each issue.

Required training meetings for Planning and Zoning Board members – State requires four (4) hours per year and Town requires five (5) hours per year. Chairman discussed the local resolution adopted by the Town Board on March 8, 2007 and suggested the omission of a resolve which should state that more than four (4) hours accumulated in any given year can be carried over into the succeeding years.

Chairman said the original SEQR on David Cloy for Mined Land Reclamation was sent to the Town Hall and signed for by Tamara Cooper on February 28, 2007.

Chairman said Re: Cloy - there is a discrepancy in letter dated 2/22/2007 from New York State Department of Environmental Conservation, "Notice of Complete Application" received 2/28/2007 "Project Description" topsoil from 10 acres of a 93 acre parcel of agricultural land. This should be, quote from January 22, 2007 minutes, "Original farm was approximately 50 acres and the **38 acres** was purchased at a later date. Pond will be on the 38 acre site."

Counsel – nothing to report this evening

Building Inspectors – towers – when putting an additional antenna on a tower, there should be an application for a Special Permit. Suggested renewing for one year at a time. When renewing every five (5) years, ownership can change hands many times in that period of time. When selling, the town should be notified.

Board members:

Mr. Robinson would like to see the Luff property cleaned up.

Counsel was asked to see how other towns handle the tower issue.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to adjourn at 9:45 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____