

May 19, 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 8:00 P.M. followed by the Pledge to the Flag.

Members present: John Reardon, Chairman
Theresa Kroening, Donald Robinson, Peter Smith
Michael Bechtel, alternate
Member absent: Norman Allen
Also present: Clifford Burch, Building Inspector
Donald Lane, Deputy Building Inspector
Gary Billingsley, Attorney

Mr. Reardon welcomed everyone to the meeting and thanked the Planning Board for changing their meeting tonight to 7:00 P.M. followed by the Zoning Board meeting at 8:00 P.M. because of the upcoming holiday. He then announced the agenda for tonight's meeting.

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

(04-28-08A) RODNEY and KYRA HOGG, 5310 Shawnee Road, Sanborn, N.Y. 14132, for a Special Permit to permit applicants to operate a display marketing business in a proposed 30' by 42' structure upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria.

(04-28-08B) RODNEY and KYRA HOGG, 5310 Shawnee Road, Sanborn, N.Y. 14132, for an Area Variance to permit applicants to construct a 24' by 36' detached garage upon said premises approximately 57 feet from the road right-of-way and 10 feet closer to the road right-of-way than applicants' residence upon said premises, whereas the Zoning Ordinance does not permit construction of such a structure closer to the road right-of-way than the front wall of the residence upon said premises.

Minutes of meeting of April 28, 2008:

Secretary noted one correction on Page 3, fourth paragraph should be "Gross" instead of "Grove".

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of April 28, 2008 with correction noted. Unanimously approved, motion carried.

CURRENT SPECIAL PERMIT RENEWALS:

1991-19 Larry Trimble, 5120 Ridge Road, Lockport 14094
Special Permit for Gift Shop and Indoor Storage facility

A letter notifying Mr. Trimble of renewal was sent to the aforementioned address and no response received as of this date. The property has been sold per Real Property Transfer Report, sale contract dated 8-08-05, date of sale/transfer 11-10-05 to Jay C. Eisenhardt.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson that Special Permit of Larry Trimble, 5120 Ridge Road, Lockport 14094 expires on its own terms. Unanimously approved, motion carried.

- 1999-03 (04-29-99)** **Richard Hahn**, 3779 Lower Mountain Road, Sanborn, N.Y. 14132
Special Permit for landscaping, maintenance, sandblasting, painting and repair
- 2001-17 (12-03-01)** Special Permit for Retail & Wholesale business, storage of bulk material and nursery stock, equipment etc. outside

Chairman said previous renewal was for two (2) years.

Building Inspector was asked if there had been any complaints on the aforementioned business?
Mr. Burch said occasionally receive a complaint about noise from one neighbor.

Mr. Hahn said they try to keep the noise down He said he is working with all of the agencies on the issue and wishes to continue the business.

Mr. Lane said the neighbor that complains works nights and sleeps in the day time.

Mr. Hahn was asked if there had been any changes in his business? He said no changes.

Concerns of board members – none

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **renew** the aforementioned Special Permit (1999-03 and 2001-17 combined) for a period of three (3) years. Unanimously approved, motion carried.

End of renewals.

PUBLIC HEARINGS:

(4-28-08A) **RODNEY and KYRA HOGG** have submitted the following: Application for Special Permit, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey map.

Mr. Hogg said they wish to construct a Parco building, 30' by 42', from which they wish to operate a business, namely K and K Distributors, Inc. Business is display marketing. They receive the articles, like stuffed animals, crayons, books, etc. by truck and then they fill orders and take to schools, day care centers, nurseries, hospitals, etc. The items are for gift shops like in hospitals.

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

Mr. Hogg showed pictures to the board of his property and where he wishes to place the building.

Mrs. Kroening asked applicant if there would be people from the public coming to his place?
Mr. Hogg said "no". He does put up Christmas display at a mall.

He said he has two vans which he parks in his driveway. They go out in the morning and return at night. There may be two tractor-trailers coming in per week with merchandise, but at this time of the year, there may only be one in about three weeks.

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

A motion was made by Mrs. Kroening and seconded by Mr. Bechtel to **approve** application for Special Permit to Rodney and Kyra Hogg to permit applicants to operate a display marketing business in a proposed 30' by 42' structure upon said premises at 5310 Shawnee Road. Unanimously approved, motion carried.

(4-28-08B) RODNEY and KYRA HOGG have submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey map.

Mr. Hogg said they would like to construct a 24' by 36' detached garage 57' from the road right-of-way and 10' closer to the road right-of-way than their residence. They wish to convert existing garage into a bathroom and a family room.

Public Hearing open:

Diane Stana, 5248 Shawnee Road, Sanborn 14132, asked how far will the garage be from the road? She thought this might be a shopping center.

Mr. Hogg said there will be very little traffic involved with the business.

The application for a variance is for a different building, a detached garage.

Counsel said the existing garage is going to be remodeled to make more living facility for the family. He then explained the detached garage will be 10' closer to the road than permitted in the ordinance. The Parco building will be approximately 100' beyond the house, approximately 200' back from the road.

A letter was read from Clifford Andrews, 5319 Shawnee Road, Sanborn, dated May 18, 2008 addressed to the Town of Cambria Zoning Board of Appeals which stated in part, he "was not able to attend this meeting but had some concerns as follows: have no concerns or objections to the variance for the construction of a 24' by 36' detached garage." He does have concerns and objections to variance (Special Permit) to build a 30' by 42' structure to operate a marketing business. Mr. Andrews feels "any business would detract from the agricultural and residential area. Also, the high volume of traffic is also a concern especially traffic heading north on Route 425, a potential for accidents when traffic going in or out of a business at this location. Mr. Andrews is opposed to the business variance (Special Permit)".

Public Hearing closed.

Board members:

Mr. Smith asked applicant if the garage could be moved back and applicant replied “no” could not go further back because of the septic system in that area.

Mr. Burch said if the house was closer to the road, garage would be okay. A detached garage cannot be put in front of the house. If it was attached to the house, then legally would be okay.

A motion was made by Mr. Smith and seconded by Mr. Robinson to declare **negative declaration under SEQR** on application of Rodney and Kyra Hogg to construct a 24’ by 36’ detached garage approximately 57’ from the road right-of-way. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **approve** Area Variance to Rodney and Kyra Hogg to permit applicants to construct a 24’ by 36’ detached garage upon said premises approximately 57 feet from the road right-of-way and 10 feet closer to the road right-of-way than applicants’ residence. Unanimously approved, motion carried.

REPORTS:

Chairman –

1. MEMORANDUM dated May 1, 2008 from Niagara County Center for Economic Development Re: New York State Department of State Training

Date: Wednesday, June 18, 2008

Location: Niagara County Community College (Building E, Room 140)

Time: 4:30 - 6:00 p.m. “Revising Zoning”

6:15 - 7:30 p.m. “Locally Unwanted Land Uses”

7:45 - 9:00 p.m. “Smart Growth Tools and Strategies”

Reservations must be in by June 10th.

2. Roster of Officers representing Niagara County New York given to board members.

3. Thanked Mrs. Kroening for chairing the April meeting.

Attorney –

Mr. Eakin, Niagara County Dept. of Public Works, has provided the town with a copy of the purchase offer for the property on Lockport Junction Road for a new Public Works facility. They are requesting a public hearing for a Special Permit at the June meeting. Property is located in Agricultural zone. The Zoning Board may request input and recommendation from the town Planning Board on this project. Counsel recommends the Zoning Board do so as this is a large project.

Planning Board could consider this request at their June 16th meeting and then the Zoning Board could hold the Public Hearing at their June 23rd meeting. If Zoning Board approves the Special Permit request, then the Planning Board could do a Site Plan Review. The proposed area for the Public Works facility is next to the Industrial zone.

A motion was made by Mr. Robinson and seconded by Mr. Smith to refer application for Special Permit of Niagara County Public Works to the Planning Board for input and recommendation at their June 16th meeting. Unanimously approved, motion carried.

Building Inspector - regular report given out
Working on cleaning up in the town and try to get people to comply with the ordinance.

Miss Jaime Doucet and her mother were present at this meeting. Miss Doucet said she is doing a project for her Government class at school and here this evening to observe.

A motion was made by Mr. Bechtel and seconded by Mrs. Kroening to adjourn at 8:30 p.m.

Respectfully submitted,

Marjorie E. Meahl, Rec, Sec.

Minutes approved _____