

September 22, 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. He then announced the agenda for tonight's meeting.

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

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

**(09-04-08A) JAMES and CONNIE BRITTON**, 4636 Baer Road, Ransomville, N.Y. 14131 for an Area Variance to permit applicants to purchase premises to the north and adjacent of said 4636 Baer Road and maintain a 30' by 40' accessory building thereon that is closer to the road than the rear main wall of applicants' said residence that is approximately 125' from the road right-of-way, whereas the Zoning Ordinance does not permit maintenance of such a structure closer to the road right-of-way than the rear wall of the residence upon said premises.

**(09-04-08B) NORMAN HUMAN**, 3546 Human Road, Sanborn, N.Y. 14132 for an Area Variance to permit applicant to establish new rear and east side property lines 15' from existing agricultural buildings currently located upon premises commonly known as 3539 Human Road, whereas the Zoning Ordinance does not permit maintenance of such structures closer to a rear or side lot line than 100 feet.

**(09-05-08) RONALD RYBARCZYK**, 4547 Cambria-Wilson Road, Lockport, N.Y. 14094 for an Area Variance to permit applicant to construct a 6' by 17' porch upon said premises approximately 46' 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 feet.

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of August 25, 2008 as presented. Unanimously approved, motion carried.

#### **SPECIAL PERMIT RENEWALS:**

**(08-20-07) MICHAEL R. DUERR**, 4127 Beach Ridge Road, North Tonawanda, N.Y. 14120  
Special Permit for a plumbing business located upon premises between 4287 and 4319 Lockport Road.

Mr. Duerr was present at this meeting and said he has not built either his new home or pole barn for his plumbing business as of this meeting at the aforementioned address. He said the driveway is in. Now his plans are for one big structure.

Board members had no comments.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **renew** Special Permit to Mr. Duerr for one (1) year to permit Mr. Duerr to operate a plumbing business between 4287 and 4319 Lockport Road. Unanimously approved, motion carried.

**2007-11A (08-23-07A)**      **MR. and MRS. EUGENE ELSON**, 3510 Lower Mountain Road, Sanborn, N.Y. 14132  
Special Permit for private kennel to harbor between 4 and 8 dogs over 6 months old.

Mrs. Elson was present at this meeting and said they wish to renew the special permit.

She was asked if they intended to make any changes in the special permit and she said no changes.

Building Inspector said there have been no complaints received.

Board members had no concerns on this special permit.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **extend** Special Permit for a period of five (5) years to Mr. and Mrs. Eugene Elson for a private kennel to harbor between four (4) and eight (8) dogs over six (6) months old. Unanimously approved, motion carried.

#### **PUBLIC HEARINGS:**

**(9-04-08A)      JAMES and CONNIE BRITTON**

Mr. Britton 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 map.

Mr. Britton said they are purchasing property, 80' to 90' with building on, from his brother-in-law on the north side of his property. The building will be used for storage, lawnmower, tractor, etc. He said there is 150' from edge of building to center line of road. He will need to have the property surveyed for exact amount of property they are purchasing. The accessory building is 30' by 40' and is closer to the road than the rear main wall of applicants' residence that is approximately 125' from the road right-of-way. Per ordinance, the structure cannot be closer to the road right-of-way than the rear wall of the residence upon said premises.

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

Public Hearing closed.

Board members – no comments.

Building Inspector said the building is 117' from front property line. He said this would have no affect on the community.

There were no further comments on this application.

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

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **approve** application for an Area Variance to permit applicants to purchase premises to the north and adjacent of said 4636 Baer Road and maintain a 30' by 40' accessory building thereon that is closer to the road than the rear main wall of applicants' said residence. Unanimously approved, motion carried.

Mr. Britton said they plan to add the land they are purchasing, after it is surveyed, on to their existing property and all will be on one deed.

**(09-04-08B) NORMAN HUMAN**

Mr. Human was present at this meeting and has submitted the following: Application for an Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey.

Mr. Human said he would like to separate farm house from the farm buildings and has to establish new rear and east side property lines 15' from agricultural buildings at 3539 Human Road Zoning Ordinance requires structures to be no closer to a rear or side lot line than 100'. The driveway will be included with the house. The farm consists of 92 acres.

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

Board members:

Mr. Reardon asked what the reason is for separating house from the property?

Mr. Human said his accountant wants house separated from the farm. He said he is still retaining ownership on all of the property.

Mr. Human said it was previously separated in 1970.

Mr. Burch said about two years ago the house was put back with the farm. Deed was recorded in the County Clerk's office but the transaction did not go through the town.

Mr. Human said he can't come any closer to the road because of the leach field is located in the front.

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

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **approve** application for Area Variance to permit applicant to establish new rear and east side property lines fifteen (15) feet from existing agricultural buildings currently located upon premises commonly known as 3539 Human Road.

Unanimously approved, motion carried.

**(09-05-08) RONALD RYBARCZYK**

Mr. Rybarczyk was present at this meeting and has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of sketch plan.

Applicant said he would like to construct a 6' by 17' porch approximately 46' from the road right-of-way on the north side of his house and eventually put a patio on the south side about 47' from the road right-of-way.

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

Building Inspector said there would be no impact on the neighborhood. The patio will be 12' by 22' on the south side of the house.

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

A motion was made by Mr. Allen and seconded by Mr. Robinson to **approve** Area Variance to Ronald Rybarczyk to construct a 6' by 17' porch approximately 46' from the road right-of-way on the north side of the house, and a 12' by 22' patio approximately 47' from the road right-of-way on the south side of his home. Unanimously approved, motion carried.

**REPORTS:**

Chairman – there is a change in one of the schooling dates, N.C.C.C. Nov. 18<sup>th</sup> instead of Nov. 11th as previously stated.

Attorney – nothing to report this evening.

**Other Business –**

Richard Hahn was present this evening.

Board members were given copy of letter dated September 22, 2008, from Mr. Billingsley to Mr. Reardon regarding Hahn Sales and Service, 3779 Lower Mountain Road – Special Permit.

Robert Keller, 3694 Lower Mountain Road, was present at the August meeting and expressed concerns and complaints on the Hahn business, especially dust and noise from his sandblasting business.

Dept. Building Inspector said Mr. Hahn has the curtains up and sliding doors are on and is in compliance with town ordinance. Mr. Lane had pictures with the curtains on and gave to the board. Mr. Hahn said the only time doors are open is when he is moving machinery into and out of the building. Mr. Hahn was given a copy of the letter from Attorney to Chairman

Mr. Hahn said he has been in compliance with the conditions in the special permit

Mr. Burch said when there are complaints received, must investigate same and see if they are legitimate.

Mr. Hahn said he has been working with D.E.C. and talked with representative of D.E.C. today and was told he is in compliance with regulations.

Building Inspector – monthly report handed out.

Next regular Zoning Board meeting will be on Monday, October 27 at 8:00 P.M.

A motion was made by Mr. Smith and seconded by Mr. Allen to adjourn at 8:32 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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