

September 28, 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 this meeting followed by the Pledge to the Flag and announced the agenda for this evening.

Members present: John Reardon, Chairman
Norman Allen, Theresa Kroening, Donald Robinson, Peter Smith
Also present: Michael Bechtel, alternate
Robert Blackman, Councilman and liaison
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:

(08-17-09) MARIO FONZI, 4143 North Ridge Road, Lockport, N.Y. 14094, for an Area Variance to permit applicant to construct an addition containing dimensions of 32 feet by 25 feet to an existing residence approximately 23 feet 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.

(09-02-09) RICHARD ANTONCICH, 6035 Wallace Avenue, Newfane, N.Y. 14108, for a Variance to construct an accessory building with dimensions of approximately 30 feet by 40 feet upon premises located on the east side of Baer Road between Lower Mountain Road and Ridge Road which are currently vacant, whereas the Zoning Ordinance does not permit construction of an accessory building upon a parcel of real property that does not contain a principal building that is completed or under construction.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to approve minutes of meeting of August 24, 2009 as presented. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWALS (Current)

2002-11 (08-28-02) Kathrin Caccamise, 4931 Ridge Road, Lockport, N.Y. 14094
Special Permit for grooming of dogs and cats

There was no one present at this time on behalf of Mrs. Caccamise.

A motion was made by Mr. Smith and seconded by Mr. Robinson to postpone action on the renewal until the end of the meeting and see if someone appears. Unanimously approved, motion carried.

2003-13 (9-05-03) AT & T WIRELESS C/O WIRELESS SERVICES, 1630 Walden Avenue,
Cheektowaga, N.Y. 14225
Special Permit to co-locate telecommunication service facility equipment upon
premises at 4219 Lockport Road

There was no one present at this time on behalf of AT & T Wireless

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to postpone action on the renewal until the end of the meeting and see if someone appears. Unanimously approved, motion carried.

(8-20-07) Michael Duerr, 4127 Beach Ridge Road, North Tonawanda, N.Y. 14120
Special Permit for a plumbing business upon premises located between 4287 and 4319
Lockport Road

Mr. Duerr was present at this meeting and said nothing has been done on this property other than putting in some stone for the driveway. He said he can't do any building until he sells his home in North Tonawanda. He has a plumbing business, but not in the Town of Cambria.

Deputy Building Inspector said Mr. Duerr would like opinion of the board. He would like to build an accessory building for storage on the property before building his home. He said he has plans for house and the accessory building.

Mr. Duerr was told he would need to apply for a variance for the accessory building.

Board members had no concerns on this issue.

Mr. Duerr said he does plan to build a home on this property and to have his plumbing business there. He said there is no business being operated on his property at this time.

The original Special Permit was granted in 2007 for one (1) year and renewed in 2008 for one (1) more year.

A motion was made by Mrs. Kroening and seconded by Mr. Smith to renew Special Permit for one (1) year again. Unanimously approved, motion carried.

Mr. Duerr said he would like to submit an application for a variance for an accessory building for storage.

PUBLIC HEARINGS:

(8-17-09) MARIO FONZI was present at this meeting and has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, copy of Survey map and paper showing location of home with proposed addition.

Mr. Fonzi said he would like to construct a one-story addition, dimensions 32' by 25', on to the east side of his home approximately 23 feet from the front property line (road right-of-way). The house is close to the road now. The addition would be 13 feet or 14 feet further back than existing house.

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

Public Hearing closed.

Board members:

Mr. Reardon asked applicant if this is a one story or two-story home?
Mr. Fonzi said this is a two-story home and new addition will be one story.

Mr. Smith asked applicant how far from the right-of-way is the house?
Mr. Fonzi said home was built in 1880 and is close to the road. The existing home is three or four feet closer to the road than the addition will be.

Mr. Lane had no comments on this request.

Counsel said the distance from the existing home to the right-of-way is about 23 feet.

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

A motion was made by Mr. Smith and seconded by Mr. Allen to **approve** application for Area Variance to Mario Fonzi to permit applicant to construct an addition containing dimensions of 32 feet by 25 feet to an existing residence approximately 23 feet from the road right-of-way. Unanimously approved, motion carried.

(9-02-09) RICHARD C. ANTONCICH and Jennifer Mullaney were present at this meeting. Mr. Antoncich has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey map.

Mr. Antoncich said he would like to construct a building, dimensions 30 feet by 40 feet, to store some of his personal belongings in and eventually plans to build a home on this property on Baer Road.

Public Hearing open:

Phillip Sorrentino, 4484 Baer Road, Ransomville, N.Y. 14131, said this is a nice residential area and feels applicant should build a house first and then the accessory building afterwards.

Susan Sherwood, 4485 Baer Road, Ransomville, N.Y. 14131, expressed concern about building the accessory building before the house. It may be years before the house is built and could affect the assessment of their home.

Chairman asked the applicant what he plans to store in this building?
Mr. Antoncich said he lives on Wallace Avenue in Newfane and has no storage place there.
Miss Mullaney said they have four vehicles and need a place to store them. She said they plan to build a house in approximately three years on this Baer Road property.

Building Inspector said he received a telephone call from Mrs. Pytlik, 4520 Baer Road, Ransomville, N.Y. 14131, who expressed opposition to this request for variance. She said there are places where a building is erected and people never do build a home on the property.

Public Hearing closed.

Chairman asked applicant what their time table is to build the home?

Mr. Antoncich said they plan to build a home in about three years.

Chairman asked applicant if he has plans or a sketch of the home?

Mr. Antoncich said they have not gotten that far as of this date. He said he has owned the property for about 20 years and wants to erect the accessory building first so he has a place to store cars, motorcycles, snowmobiles, tools, etc. He said at present these articles are at his parents' home, but their home is for sale and he will have to move his possessions.

Mr. Antoncich was asked if he plans to install electric service and water? He said "yes".

Mr. Smith asked applicant what the exterior of the building would be?

Mr. Antoncich said it will be white metal with a dark colored roof, not a commercial building.

Mr. Reardon said, a 30' by 40' building is quite large. How high will the ceiling be?

Mr. Antoncich said there will be a 16 foot ceiling. He has a big trailer to put in the building also.

Mr. Burch asked applicant if the future home would be one or two story? He said per Zoning Ordinance, "No accessory building shall be constructed which exceeds the first floor area of the principal building, exclusive of any attached garage, nor shall it be greater in height than one and one-half times the height of the principal building".

Mr. Antoncich said it will be a ranch style home with cathedral ceilings.

Counsel asked applicant if there is any other alternative for storing this equipment?

Mr. Antoncich said no other choice, presently store at family location. When their home sells, will have to move articles out.

Mrs. Kroening said she has seen four vehicles in driveway of Mr. Antoncich's parent's home. She asked applicant if he keeps his property mowed now?

Mr. Antoncich said property is mowed and kept up.

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

A motion was made by Mr. Smith and seconded by Mrs. Kroening to **approve** application for Area Variance to construct an accessory building with dimensions of approximately 30 feet by 40 feet upon premises located on the east side of Baer Road between Lower Mountain Road and Ridge Road which is currently vacant. As not all board members voted aye, secretary was requested to poll the board:

Mr. Robinson – "aye", Mrs. Kroening – "aye", Mr. Reardon – "no", Mr. Smith – "aye",
Mr. Allen – "aye" Request for Area Variance approved, motion carried.

Renewals:

2002-11 (8-28-02) Kathrin Caccamise – no one appeared on behalf of Mrs. Caccamise.

A motion was made by Mr. Smith and seconded by Mr. Robinson to **table** action on the Special Permit renewal for a dog and cat grooming business for one month. Unanimously approved, motion carried.

2003-13 (9-05-03) AT & T Wireless C/O Wireless Services – no one appeared on their behalf.

A motion was made by Mrs. Kroening and seconded by Mr. Smith to **table** action on the Special Permit renewal for the co-location of telecommunication service facility equipment upon premises at 4219 Lockport Road for one month. Unanimously approved, motion carried.

REPORTS:

Chairman – Per Mr. Burch and Mr. Lane, Charles Haring did not get his revised application into the Niagara County Planning Board and therefore, Public Hearing will not be held this evening. Counsel will contact the Niagara County Planning Board and see if they do have the revised application.

Counsel – nothing to report this evening

Building Inspectors – monthly report handed out

Discussion with town attorney about preparing information for a law so that the town can go in and clean up property following a foreclosure; and prepare something to permit impounding of unlicensed vehicles.

Board members – inquired about education in regard to Planning and Zoning. It was said there hasn't been anything locally lately.

Next regular meeting Monday, October 26th at 8:00 P.M.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to adjourn at 8:35 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____