

April 23, 2012

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by John Reardon, Chairman, at 8:02 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
Michael Bechtel, Theresa Kroening, Donald Robinson, Peter Smith
Also present: Michael Sieczkowski, alternate
Matthew Foe, Councilman
Robert Blackman, Councilman, liaison to Town Board
Clifford Burch, Building Inspector
Gary Billingsley, Attorney
2 Town residents

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

2012-04 (03-28-12) ANGELA McLEAN, 5237 Randolph Street, Sanborn, N.Y. 14132, for a Special Permit to permit applicant to maintain a private kennel permitting applicant to harbor up to five (5) dogs over six (6) months old registered to applicant as permitted by the Special Permit Ordinance of the Town of Cambria.

(04-02-12) WILLIAM BARONE, 4676 Baer Road, Ransomville, N.Y. 14131, for a Variance to permit applicant to construct a second accessory building upon said premises with dimensions of 28 feet by 40 feet, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of more than one accessory building upon a single parcel.

2012-05 (04-04-12A) ROB and CHRISTINE WINSTEL, 3537 Saunders Settlement Road, Sanborn, N.Y. 14132, for a Special Permit to permit applicants to conduct a business within an existing structure upon said premises, namely, a small automobile repair shop, pursuant to the Special Permit Ordinance of the Town of Cambria.

(04-04-12B) DAVID and JOYCE CLOY, 3130 Ridge Road, Ransomville, N.Y. 14131, for a Variance to permit applicants to construct a building with dimensions of 40 feet by 80 feet upon a portion of said premises that will not contain another principal building. The proposed frontage of said parcel will be 135 feet, the proposed setback on the east side lot line will be 65 feet, and the proposed setback on the west side lot line will be 30 feet. The Zoning Ordinance does not permit construction of such a structure when there is not a principal structure on said premises, and requires a setback of 100 feet from all property lines.

(04-05-12) TOWN of CAMBRIA, 4160 Upper Mountain Road, Sanborn, N.Y. 14132, for a Variance to permit applicant to construct a sign for the Town Park located at 3986 Upper Mountain Road containing dimensions of 8 feet by 12 feet, whereas the Zoning Ordinance does not permit signs exceeding 12 square feet in the A-R District of the Town of Cambria.

A motion was made by Mr. Robinson and seconded by Mr. Bechtel to approve minutes of meeting of March 26, 2012 as presented. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWAL (tabled from March 26, 2012)

2002-02 (02-14-02B) AT&T 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 – Re: FA10032308

A letter was received from AT&T Co-location – dated April 18, 2012 and received April 23, 2012
Re: Telecommunication tower at 4160 Upper Mountain Road
Cambria SE – FA10032308

which stated in part “we request that the Special Permit be renewed for an additional five (5) year period. Enclosed is our check made payable to the Town of Cambria in the amount of \$500.00”.

A motion was made by Mr. Bechtel and seconded by Mr. Robinson to **approve** request for renewal for five (5) years retroactive to March 2012 with stipulations: applicant to furnish to the town a contact person, telephone number, address, number of co-locators on the tower and time frame requested. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWAL (current)

1995-03 Charles Malcomb, 4759 Saunders Settlement Road, Lockport, N.Y. 14094
Special Permit for Professional office

Mr. Malcomb was present at this meeting to renew the Special Permit. He said he is the only person in the office, no employees and has a smaller office.

Building Inspector said he has received no complaints on the business.

A motion was made by Mr. Bechtel and seconded by Mr. Smith to **renew** Special Permit to Mr. Malcomb for a professional office at 4759 Saunders Settlement Road, Lockport, N.Y. 14094 for a period of five (5) years. Unanimously approved, motion carried.

PUBLIC HEARINGS:

2012-04 ((03-28-12) ANGELA McLEAN was present at this meeting and has submitted the following:
Application for Special Permit, Short Environmental Assessment Form, Agricultural Data Statement and copy of Survey.

Mrs. McLean said she recently moved to Cambria from Louisiana. She said she has five (5) dogs, the males are neutered and females have been spayed. These dogs are pets.

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

Concerns of board members, Building Inspector and Attorney:

Chairman asked applicant what the dotted line area is on the survey?

Mrs. McLean said she plans to have a four (4) foot vinyl fence put up surrounding the area for the dogs and they will be completely fenced in. Vinyl will match the color of the house. Dogs are for their own private use and there will be no business concerning the dogs.

Building Inspector has no concerns on this issue.

Counsel asked applicant if these are house dogs and Mrs. McLean replied “yes”.

Chairman asked Mrs. McLean what she does with the waste and she said she puts it in the garbage.

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

A motion was made by Mr. Smith and seconded by Mr. Robinson to **approve** application for Special Permit to Angela McLean for a Special Permit to permit applicant to maintain a private kennel permitting applicant to harbor up to five (5) dogs over six (6) months old registered to applicant for a period of one (1) year. Unanimously approved, motion carried.

She was informed the first term is for one year and then can be renewed for a longer period of time.

(04-02-12) **WILLIAM BARONE** has submitted the following: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement and sketch of the property.

Ms. Kelli Coughlin, a relative of Mr. Barone, appeared on his behalf. She said Mr. Barone would like to build a second detached garage, dimensions 28 feet by 40 feet, for storage of classic car, ATV and other personal property.

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

Concerns of board members, Building Inspector and Attorney:

Mr. Smith reiterated, this building is for personal storage.

Ms. Coughlin said building will be for Mr. Barone’s own personal things. He owns 2.5 acres. She said the plan is to put the building further back than is shown on sketch that was attached to the application.

Counsel said building will be 15 feet from north lot line.

Ms. Coughlin then said it would be more than 15 feet from all property lines and directly behind existing detached garage which is 30 feet by 30 feet per sketch. New building will be for personal items only. She made the change as to location of new building on the sketch plan.

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

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **approve** amended sketch plan on original application and Ms. Coughlin initialed same. Unanimously approved, motion carried.

2012-05 (04-04-12A) ROB & CHRISTINE WINSTEL were present at this meeting and have submitted the following: Application for Special Permit, Short Environmental Assessment Form and Agricultural Data Statement.

Mr. Winstel said they would like to operate a small auto repair business from an existing building, a garage, dimensions 22 feet by 34 feet and, perhaps, something bigger in the future.

Public Hearing open: There were no concerns expressed by members of the public.
Public Hearing closed.

Concerns of board members, Building Inspector and Attorney:

Mr. Robinson asked applicants “how many vehicles would you have on the property?”

Mr. Winstel said there could be five or six to be repaired. They are out daily unless waiting for parts.

Mrs. Kroening inquired about advertising?

Mr. Winstel said Christine, his wife, will take care of advertising, would like a sign per Zoning regulations.

They were told they could have a twelve (12) square foot sign.

Chairman asked applicants “what will the hours of operation be?”

Mr. Winstel said hours of operation will be 8:00 a.m. to 5:00 p.m. Monday through Friday, Saturday – by appointment only, and Sunday – closed.

Chairman asked “how will used oil be disposed of?”

Mr. Winstel said used oil will be picked up by “Safety Cleaning”. Also, someone will pick up the used tires.

Mr. Smith asked “what kind of repairing do you do?”

Mr. Winstel said he repairs brakes, transmissions, etc.

Chairman asked “do you have a lift in your garage and how do you control the noise?”

Mr. Winstel said he has a lift in the garage and garage is insulated including the doors.

Building Inspector had no concerns.

It was asked “where are the vehicles stored on the property?”

Mr. Winstel said they will be parked on their driveway which they plan to enlarge.

Building Inspector then asked “would these be licensed vehicles only that are worked on?”

Mr. Winstel said “yes”, licensed vehicles only.

Chairman asked if there “would be cars for sale”? “ Will there be a limit on how long the same car can be there?”

Mr. Winstel said he might have to wait for parts. Parts are pretty much available. He said if wait-for parts, can put vehicle inside. They could fence in an area for vehicles waiting for parts. No cars “for sale”.

Mrs. Winstel has a concern about cars driving on the grass.

Chairman asked “what would be the maximum number of vehicles on their property at one time”? Mr. Winstel said four or five vehicles would be the maximum at one time, no more than six.

Counsel asked “how many cars could be put in the garage at one time”?

Mr. Winstel said he could put two (2) in the garage at one time. Driveway is two cars wide, can park six (6) vehicles on the driveway.

Mrs. Winstel said they have lived at this residence for about five years. This is a new start-up business.

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

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to **approve** request by Rob and Christine Winstel for a Special Permit to permit applicants to conduct a business within an existing structure upon said premises, namely, a small automobile repair shop, with stipulations as follows:

1. Maximum of six (6) cars at one time – licensed vehicles only,
2. No Sunday hours of operation,
3. Permitted to have a sign – twelve (12) square feet,
4. No automobile sales permitted,
5. For a period of one (1) year initially.

Unanimously approved, motion carried.

(04-04-12B) DAVID and JOYCE CLOY were present at this meeting and have submitted the following: Application for Area Variance, Short Environmental Assessment Form and Agricultural Data Statement.

Mr. Cloy said he would like to construct a 40 foot by 80 foot pole barn for storage purpose. He said he is in the process of selling his business, a slaughterhouse and the farm. He is keeping a lot on the west side, dimensions 135 feet frontage by 1137 feet in depth which will line up with neighbor’s property. The building will be approximately 250 feet from the Ridge Road. The 40 feet will face the road.

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

Concerns of board members, Building Inspector and Attorney:

Mr. Robinson reiterated the building will be 40 feet by 80 feet and used for storage.

Mr. Cloy said that is correct, will have a tractor, brush hog , etc. to maintain the property around the existing pond.

Building Inspector had no concerns on this issue.

Mr. Cloy said Mr. Held, next door neighbor, has no concern on the proposal.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to declare **negative declaration under SEQR** on application of Mr. and Mrs. Cloy to construct a building on premises that will not contain another principal building. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mrs. Kroening to **approve** application for Area Variance to permit applicants to construct a building with dimensions of 40 feet by 80 feet upon a portion of said premises that will not contain another principal building.. The proposed frontage of said parcel will be 135 feet, the proposed setback on the east side lot line will be 65 feet, and the proposed setback on the west side lot line will be 30 feet. Unanimously approved, motion carried.

(04-05-12) TOWN of CAMBRIA

George Bush, Agent on behalf of the Town of Cambria, was present at this meeting.

The following have been submitted: Application for Area Variance, Short Environmental Assessment Form, Agricultural Data Statement, sketch of proposed sign, sketch of plot plan, copy of Site Plan – Phasing Plan (Ph-1) and copy of portion of Town map.

Mr. Bush said this sign, dimensions eight (8) feet by twelve (12) feet will not block any views from residents or the road. Sign will not be lit, made out of wood, painted gray, 3 foot by 15 foot concrete foundation, sign will be one foot thick plywood, pine treated lumber on four 6' by 6' posts. Mr. Bush said he will be doing the construction of this sign at his home.

Public Hearing open:

Mrs. Kroening said she received a phone call from Hazel Haseley, 3996 Upper Mountain Road, Sanborn 14132, who expressed concern about lighting and obstruction of view.

Mr. Bush said the sign will not interfere with the view from her driveway. Sign will be as far back as her house on a slight angle. It can be moved around.

Public Hearing closed.

Concerns of board members, Building Inspector, Attorney: none

Mr. Bush said it will look like a stone slab. It will be back approximately forty (40) feet from the road, will be a little hard to see from the west.

A motion was made by Mr. Robinson and seconded by Mr. Smith to declare **negative declaration under SEQR** on application for the Town sign at entrance to Town Park. Unanimously approved, motion carried.

A motion was made by Mr. Bechtel and seconded by Mr. Robinson to **approve** request for Area Variance to permit applicant to construct a sign for the Town Park located at 3986 Upper Mountain Road containing dimensions of 8 feet by 12 feet. Mrs. Kroening wished to add to the motion “with no lighting on the sign”. This was agreeable with Mr. Bechtel and Mr. Robinson. Unanimously approved, motion carried.

REPORTS:

Chairman requested a letter be written to Chris Rechin (**08-04-10**) to request him to appear at the May 21st meeting of the Zoning Board at 8:00 p.m. on the progress of temporarily storing excavated material upon premises at 5700 Shawnee Road, Sanborn, N.Y. 14132. This is in regard to a Use Variance requested to store material closer to the road right-of-way than 500 feet.

Building Inspector said he has not received a report or any information from Mr. Rechin pertain- to the above.

A motion was made by Mrs. Kroening and seconded by Mr. Robinson to request Mr. Rechin to attend the May meeting with an update on the progress of the excavation project. Unanimously approved, motion carried.

A Work meeting on the updating of the Zoning Ordinance and laws will be held at 7:00 p.m. prior to the Regular June meeting of the Zoning Board. Thanks to Matt for chairing the Work meeting tonight.

Attorney – Brian Whyte logging operation – property is not exempt under Agriculture and Markets’ law. Mr. Whyte needs to make application to the town for a Special Permit and Site Plan Review. Letter written to David Milleville, Milleville Farms, owner of farm near intersection of Cambria Wilson Road and Lower Mountain Road. A copy of letter dated April 9, 2012 is on file.

Erway / McSpadden hot dog stand on property on corner of North Ridge Road and Cambria Wilson Road – A Variance was granted in March 2012. A Site Plan Review by the Planning Board is required because this hot dog stand and fence are in a B-2 District. Applicant was directed not to proceed any further on the construction until Site Plan Review is approved.

Building Inspector – informed the board that in May there will be another Building Inspector for the Town of Cambria. His name is James McCann who is retired from the city of Lockport and helped with inspection on the Medical building on Route 31. Working on getting rid of more junk in the town.

Chairman said no further information or contact from Wendel Duchscherer Eng. on Modern Recycling proposal for a “composting” operation on Lockport Junction Road as of this date. D.E.C. had some further concerns on the issue.

Next regular Zoning Board meeting will be May 21st at 8:00 p.m.

A motion was made by Mr. Bechtel and seconded by Mr. Robinson to adjourn at 9:02 p.m.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____