

APPROVED
MAD

August 22, 2016

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by Michael Sieczkowski, Chairman, at 7:00 P.M. followed by the Pl edge to the Flag and then welcomed everyone to the meeting.

Members present: Michael Sieczkowski, Chairman
Thomas Andrews; Alan Johnson, Donald Robinson, Peter Smith
Also present: Matthew Foe, Councilman
Randy Roberts, Councilman and Liaison to the Town Board
James McCann, Building Inspector
Gary Billingsley, Attorney
Melinda Olick, Assessor's clerk

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

1. **(ZB-UV-2016-002)** MICHAEL BLOCK 5197 Kennedy Crescent, Sanborn, New York 14132, for a Use Variance to permit applicant **(7-18-16)** SBL 120.07-1-21 to construct an accessory building upon said premises containing dimensions of 12 feet by 20 feet, which accessory building would constitute a second accessory building upon said premises, whereas the Zoning Ordinance of the Town of Cambria permits only a single accessory building to be located on such a parcel containing a single family residence.
2. **(ZB-AV-2016-007)** MARK FREMONT, 204 Hinds Street, Tonawanda, New York 14150, for an Area Variance to permit applicant **(7-27-16)** SBL 105.00-1-90 construct a residence upon premises located on the west side of Baer Road between 4986 Baer Road and 5042 Baer Road upon premises commonly known as 5012 Baer Road. Said parcel is currently the subject of a subdivision application for a division of said parcel into two (2) parcels to be used for residential purposes which application is currently in the process of being considered by the Town of Cambria Planning Board, which parcel contains frontage of 66 feet, whereas the Zoning Ordinance does not permit construction of a residence upon a parcel containing less than 150 feet of frontage.

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of July 25, 2016 as presented. Unanimously approved, motion carried.

A motion was made by Mr. Smith and seconded by Mr. Johnson to approve Corrected minutes of meeting of June 27, 2016 as presented. Unanimously approved, motion carried.


POSTED
ju

SPECIAL PERMIT TERMINATION (per request by applicant)

1995-12 Thomas Parker Special Permit for in-law apartment (a trailer) for mother on property of Thomas Parker at 5150 Ridge Road, Lockport, N.Y. The permit was renewed in 2012 for five years and in 2015 Mr. Parker said his mother Eleanor Parker, was moving into an assisted living facility and would no longer need the trailer or the Special Permit. The permit was due to expire in March 2017.

Chairman read the following communications:

One was dated 8/16/2016. "Please terminate my Special Permit for 5150 Ridge Road, Lockport, N.Y. 14094. The permit is no longer needed, thanks for allowing me to have the permit for the past 20 years. Tom Parker"

The other one was from Town Assessor "Assessment change due to ASSESSMENT : reduction in A/v reflects removal of trailer value from parcel."

Mr. Parker's request to terminate the Special Permit is contained in the two communications on file with the Town of Cambria Town Clerk.

A motion was made by Mr. Smith and seconded by Mr. Johnson to accept the two communications regarding the termination of Special Permit of Thomas Parker for temporary residence for his mother at 5150 Ridge Road, Lockport 14094. Mr. Parker has moved and his new address is 705 Oxbow Lane, Lewiston, N.Y. 14092. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWAL (current)

1996-10 Crown Castle (Sprint), 4221 Lockport Road, property owned by Joseph Ohol

Applicant has requested renewal for an additional five years.

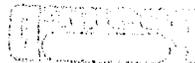
A motion was made by Mr. Robinson and seconded by Mr. Smith to renew Special Permit of Crown Castle (Sprint) Re: 875128 on property of Joseph Ohol, 4221 Lockport Road for an additional five (5) years retroactive to July 22, 2016. Unanimously approved, motion carried.

SPECIAL PERMIT RENEWAL (current)

2010-06 (8-02-10C) Jac-Lynne S. Ward

Special Permit for a private kennel for up to six dogs.

There was no one present at this time on behalf of Miss Ward.



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

PUBLIC HEARING:

ZB-UV- 2016-002 **MICHAEL BLOCK** was present at this meeting and has
(7-18-16) submitted the following: Application for Use Variance for second
SBL 120.07-1-21 accessory building, Short Environmental Assessment Form Part 1
consisting of 3 pages, Short Environmental Form Part 2, Impact
Assessment consisting of 2 pages, Agricultural Data Statement, sketch of location of
house, existing shed and proposed new shed, Town map showing existing neighbors,
aerial view of applicant's property and picture of home.

Chairman asked applicant "why are you asking for a Use variance?"

Mr. Block said he "needs more room for storage, such as lawn furniture and fire wood".

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

Chairman said he would like more information and details.

Chairman read a communication from Durann Dracup Vitalis dated 8-22-2016 which stated in part "due to family illness, I may or may not be able to attend tonight's meeting". She said she "would like clarification regarding the proposed location of the 12' by 20' accessory building requested by Mr. Block."

Mrs. Dracup said she "doesn't object to the additional structure but would like to know where it would be placed relative to my back yard as she doesn't want to block the view of the flowers. She asked if the proposed shed could be moved a little? Her address is 4324 Upper Mountain Road, Cambria.

Mr. Block said "new shed could be moved about ten (10) feet to the west from original proposed location and will still line up with existing building. Dimensions of proposed building will be 12 feet by 20 feet (220 square feet to be used for storage and a workshop in the future".

"Already have a shed there that will remain." New building location will be about 25 to 30 feet from the lot line. He said he is undecided on the color at this time of the new building.

Chairman then said for a Use Variance, according to second part under "H" on front page of Application **CONSIDERATIONS BY ZONING BOARD OF APPEALS**: If request is for Use Variance, whether regulations or restrictions caused unnecessary hardship. Read by Chairman:

1. If reasonable return can be realized from property as is.
2. If alleged hardship is unique in the community.
3. If requested change will alter character of neighborhood.
4. If alleged hardship is self-created.

Counsel said it is difficult to meet criteria for a Use Variance when applicant is already using property for residential purpose.

Mr. Block said they have a one and one-half car garage and need a place to store seasonal furniture.

Building Inspector said this proposed shed will not change the neighborhood, since several nearby residences already have more than one accessory building.

It was recommended that applicant show Building Inspector where the new shed would be located prior to issuing a building permit.

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

A motion was made by Mr. Smith and seconded by Mr. Johnson that applicant show Building Inspector exactly where they are going to place the new shed in the back yard before obtaining a building permit. Unanimously approved, motion carried.

PUBLIC HEARING:

ZB-AV-2016-007 **MARK and MARY JANE FREMONT, 204 Hinds, Tonawanda,**
(7-27-16) **N.Y. 14150**

SBL 105.00-1-90 Subject parcel located at 5012 Baer Road, Sanborn N.Y. 14132
The following have been submitted: Application for Area Variance to erect a house without 150 feet of frontage and the only access to the lot would be on a 66 foot right-of-way from Baer Road, Agricultural Data Statement, Copy of Town Map highlighting subject parcel, aerial view of property and a copy of deed.

Mr. Fremont said they plan to subdivide the parcel (approximately 12 acres), seven acres for themselves and five acres for their son which has the church on (formerly Abundant Life Baptist) and will renovate it into a home.

Applicants wish to downsize from their home in Tonawanda.

Public Hearing open:

There was a lengthy discussion on this application.

Joseph Fazzolari, 1700 Palister Avenue, Barker 14012, was present on behalf of Earlene Brooks, 3339 Upper Mountain Road, Sanborn 14132. He said something may have been omitted in the deed and there is discrepancy in the survey also.

Mr. Jeffrey Brooks also said Earlene Brooks owns on both sides of the property, lots to the north and behind the church. He is also concerned about the 66 foot driveway.

Craig Forsey, 5020 Baer Road, Sanborn, is not opposed to the split of the property. Make sure who owns the right-of-way.

Lisa Brooks Caldwell, 7379 Upper Mountain Road, is concerned about the 66 foot easement to the road, south line of Mr. and Mrs. Fremont. Right-of-way is okay.

Chairman read a communication from Rebecca Rogers pertaining to the "Area Variance to construct a residence on, what is commonly known as, 5012 Baer Road."

"Approving an application for a home to be built on 66 feet of frontage, when the current regulation is 150 feet," etc. "It sets a new precedent for residential building which is not consistent with, what I believe to be, the values of those who founded and currently reside in the Town of Cambria. Therefore, I urge that the request for the area variance be denied." Copy of Rebecca Rogers' letter will be on file and also copy of this letter on file in Town Clerk's office.

A motion was made by Mr. Robinson and seconded by Mr. Johnson that the correspondence from Rebecca Rogers dated August 22, 2016 be included with Town records. Unanimously approved, motion carried.

Public Hearing closed.

Mrs. Fremont said their proposed new home will be approximately 2,000 square feet and will be built even with the existing church, which will be their son's new home. She said the property has not been divided as of this date. She said the action on the proposed subdivision, which was addressed at the Planning Board meeting on August 15th, was tabled.

On the copy of the deed submitted with the application, there is shown a fenced in pond on the south side of the right-of-way and partly in the right-of-way.

It was recommended that this application of Mark and Mary Jane Fremont for an Area Variance be tabled for one month. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Johnson to **table** Application of Mark and Mary Jane Fremont for an Area Variance to construct a new home with less than 150 foot frontage. Unanimously approved, motion carried.

Applicants and any other interested parties were asked to bring in as much information as possible on the Brooks and church property.

Mr. and Mrs. Fremont were advised that they could have a Special meeting on this issue, but they would have to pay for the calling of the meeting and all expenses incurred.

OLD BUSINESS: ZB SP-2016-003 Samuel Parise – Farm Pond on Comstock Road

Action tabled at June 27, 2016 meeting (Corrected copy)

No action taken at the July 25, 2016 meeting (Waiting for information from Stormwater Management Group)

Letter dated 7-25-16 to Wright Ellis, Supervisor, from Gary Billingsley, Attorney for Zoning Board, requesting that application of Mr. Parise be referred to you and the other designated Public contact persons pursuant to MS4 Municipal Compliance requirements in order to determine the applicability Regulations to Mr. Parise's application and compliance regarding the above pond etc. and

Answer to above letter dated 8-01-16 to Mr. Billingsley from Mr. Ellis stating that application has been reviewed in accordance with Section 1129 of the Town of Cambria Zoning Ordinance Stormwater Management and Erosion / Sediment Control. Stormwater Management Personnel also inspected the site. It was determined that the pond is located at the lowest point of the site and will facilitate drainage to the east and north of the surrounding land. "The pond, as proposed and located, meets the requirements set out in the Town of Cambria Stormwater Management Regulations."

Building Inspector – The following three persons, Wright Ellis, Supervisor, Jon MacSwan, Highway Superintendent and James McCann, Building Inspector and Code Enforcement Officer, viewed the site of Mr. Parise, Comstock Road and all three agreed that the pond was properly done and there appears to be no problems.

Mr. McCann will sign off on the SEQR in the application packet of Mr. Parise.

The two letters dated July 25, 2016 and August 1, 2016 are on file and also with the Town Clerk of the Town of Cambria.

A motion was made by Mr. Johnson and seconded by Mr. Smith to **approve** application for Special Permit to construct a farm pond, containing approximately .2 acre on property of Samuel Parise at 5475 Comstock Road, Lockport, N.Y. 14094, upon a finding of no environmental damage and a finding that the construction or alteration of said pond will not adversely affect drainage in the area. Unanimously approved, motion carried.

Chairman said "Thanks to the members of the Stormwater Crew for their working together with the Zoning Board for the common cause on this pond situation".

REPORTS:

Chairman: A reminder to the board members of the four hour training at N.C.C.C. on October 20, 2016.

Thanks to Marge for the many years of service to the Zoning Board.

Building Inspector: No report

Attorney: No report

Board members: No report

Special Permit Renewal: Miss Ward did not appear at tonight's meeting for renewal of Special Permit for dog kennel.

A motion was made by Mr. Robinson and seconded by Mr. Smith to **table** this renewal until the September meeting and Secretary to send a second letter to Miss Ward. Unanimously approved, motion carried.

A motion was made by Mr. Robinson and seconded by Mr. Smith to adjourn at 8:29 P.M.

Respectfully submitted.

Marjorie E. Meahl
Marjorie E. Meahl, Rec. Secy.

Minutes approved _____

This is Marjorie E. Meahl's last official meeting as Recording Secretary to the Zoning Board of Appeals.

Following the meeting, delicious cake and ice tea was served in honor of Marge. Also, a "Retirement" balloon and a pretty Mum plant. THANK YOU"